

S. B. No. 168 was reported favorably by viva voce vote with the recommendation it be printed.

H. B. No. 65 was reported favorably, as amended by committee amendments Nos. 1 and 2, by viva voce vote with the recommendation it be printed.

H. B. No. 266 was reported adversely but that it pass with committee substitute in lieu thereof, and the committee substitute, as amended by committee amendment No. 1, only be printed in bill form.

H. B. No. 581 was referred to a sub-committee.

REEVES, Secretary.

FIFTY-FIRST DAY.

Senate Chamber,
Austin, Texas,
April 18, 1935.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Senator Rawlings, acting President Pro Tem.

The roll call disclosed a quorum, the following Senators being present.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Further reading of Journal was dispensed with on motion of Senator Davis.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

Senate Resolution No. 77.

Senator Beck sent up the following resolution:

WHEREAS the Honorable W. R. Holsey, who served as a member of this body a quarter of a century ago, in company with several distinguished citizens of Rockwall County are without the door, and

WHEREAS the new Senator, Honorable Claude Isbell, from that district, is to take the oath of office this day;

THEREFORE, BE IT RESOLVED that the distinguished citizens of Rockwall who are without the door be extended the privileges of the floor of the Senate for this occasion.

BECK,
HORNSBY.

Read and adopted unanimously.

Oath of Office.

The Chair appointed Senators Small, Pace and Davis to escort Senator-Elect Isbell to the platform where the oath of office was duly administered by the Acting President Pro Tem., Senator Rawlings.

The Chair presented Senator Pace who presented Hon. Lannie Stimson, county treasurer of Rockwall County, who paid tribute to Senator Claude M. Isbell in behalf of the people of Rockwall County. Senator Rawlings then presented Senator Isbell and he addressed the Senate briefly.

Motion to Suspend Rule.

Senator Cotten moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion prevailed by the following vote:

Yeas—28.

Beck.	Holbrook.
Blackert.	Hopkins.
Burns.	Hornsby.
Collie.	Isbell.
Cotten.	Martin.
Davis.	Neal.
DeBerry.	Oneal.
Duggan.	Pace.
Hill.	Poage.

Rawlings.	Stone.
Redditt.	Sulak.
Sanderford.	Van Zandt.
Shivers.	Westerfeld.
Small.	Woodruff.

Absent—Excused.

Fellbaum.	Regan.
Moore.	

Senate Bill No. 509.

By Senator Cotten:

S. B. No. 509, A bill to be entitled "An Act to amend Article 8197b, Chapter 8, Title 128, of the Revised Civil Statutes of the State of Texas, as amended by Acts of the Forty-first Legislature, Fourth Called Session, page 71, chapter 34, relating to the issuance of refunding bonds by any district that may have availed itself of the provisions of Article 8195 and become a Conservation and Reclamation District, and repealing all laws in conflict therewith, and declaring an emergency."

Read and referred to the Committee on Mining, Irrigation and Drainage.

Motion to Suspend Rule.

Senator Cotten moved to suspend the constitutional rule relating to the time for the introduction of bills. The motion prevailed by the following vote:

Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Neal.	

Nays—1.

DeBerry.

Absent—Excused.

Fellbaum.	Regan.
Moore.	

Senate Bill No. 510.

By Senator Cotten:

S. B. No. 510, A bill to be entitled

"An Act providing for relief for the Independence Common School District of Henderson and Kaufman Counties, Texas, in order to aid said District in rebuilding its properties and equipping its school which was destroyed by fire on the fourth day of March, A. D. 1935; providing for work relief; making an appropriation to said District for said property; and declaring an emergency."

Read and referred to the Committee on Finance.

Motion to Suspend the Rule.

Senator Sulak moved to suspend the constitutional rule relating to the time for the introduction of bills. The motion prevailed by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.

Absent—Excused.

Fellbaum.	Regan.
Moore.	

Senate Bill No. 511.

By Senator Sulak:

S. B. No. 511, A bill to be entitled "An Act to amend Article 5509, of the Statutes of the State of Texas of 1935, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Motion to Suspend Rule.

Senator Neal moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion prevailed by the following vote:

Yeas—28.

Beck.	Collie.
Blackert.	Cotten.
Burns.	Davis.

DeBerry.	Poage.
Duggan.	Rawlings.
Hill.	Redditt.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Sulak.
Neal.	Van Zandt.
Oneal.	Westerfeld.
Pace.	Woodruff.

Absent—Excused.

Fellbaum.	Regan.
Moore.	

Senate Bill No. 512.

By Senator Neal:

S. B. No. 512, A bill to be entitled "An Act amending Article 2975 Revised Civil Statutes of Texas, 1925 requiring the assessor and collector of taxes to furnish to the board that is charged with the duty of furnishing election supplies and to the county clerk separate certified lists of persons who have paid their poll taxes or to whom certificates of exemption have been issued and repealing Article 2977 Revised Civil Statutes of Texas, 1925."

Read and referred to the Committee on State Affairs.

H. C. R. No. 65.

Senator Poage received unanimous consent to take up out of regular order H. C. R. No. 65, by Mr. Reed of Dallas, to memorialize Congress in regard to the cotton industry.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

H. C. R. No. 65 was adopted by viva voce vote.

Votes Recorded.

Senator Pace and Senator DeBerry asked to be recorded as voting "no" on the adoption of H. C. R. No. 65.

H. J. R. No. 39.

The Chair laid before the Senate on its second reading the following resolution:

By Mrs. Moore:

H. J. R. No. 39, Proposing an amendment to Section 15 of Article I of the Constitution of Texas, and providing that the Legislature may authorize the commitment of insane persons, idiots, lunatics and/or epileptics without the necessity of a trial by jury.

The resolution was read second time and passed to third reading by the following vote:

Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Woodruff.
Martin.	

Nays—1.

Westerfeld.

Absent—Excused.

Fellbaum.	Regan.
Moore.	

On motion of Senator Holbrook the constitutional rule requiring joint resolutions to be read on three several days was suspended and H. J. R. No. 39 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Woodruff.
Martin.	

Nays—1.

Westerfeld.

Absent—Excused.

Fellbaum. Regan.
Moore.

H. J. R. No. 39 read third time and finally passed by the following vote:

Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Woodruff.
Martin.	

Nays—1.

Westerfeld.

Absent—Excused.

Fellbaum. Regan.
Moore.

H. C. R. No. 17.

The Chair laid before the Senate on its second reading the following resolution:

By Mr. Payne:

H. C. R. No. 17, Concerning development of lands by the Federal Government."

H. C. R. No. 17 was laid on the table subject to call.

H. C. R. No. 39.

The Chair laid before the Senate on its second reading the following resolution:

By Mr. Rutta:

H. C. R. No. 39, Designating March Fourth as "Roosevelt Day" and providing for the proper observance of that day.

Senator Van Zandt explained the resolution.

H. C. R. No. 39 was read and adopted by viva voce vote.

H. C. R. No. 17.

Senator Woodruff called from the table H. C. R. No. 17 and explained the resolution.

Senator Hill objected to consideration of H. C. R. No. 17 and the resolution was laid on the table subject to call.

H. C. R. No. 61.

The Chair laid before the Senate on its second reading the following resolution:

By Mr. Roach:

H. C. R. No. 61, Requesting Congress to amend the Federal Interstate Commerce Act in regard to taxes on cigarettes.

Senator Beck explained the resolution.

H. C. R. No. 61 was adopted by viva voce vote.

H. C. R. No. 48.

The Chair laid before the Senate on its second reading the following resolution:

By Mr. Harris:

H. C. R. No. 48, Providing that J. M. (Tex) Moore shall be designated by the Legislature of Texas as the "Cowboy Artist of Texas."

Senator Neal explained the resolution.

H. C. R. No. 48 was adopted by viva voce vote.

Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor, with the following message:

Executive Office,

Austin, Texas, April 18, 1935.

To the Forty-fourth Legislature:

The Public Works Administration has requested legislation expressly conferring the power of eminent domain on all State and Federal agencies and upon all corporations to acquire lands necessary for public works projects engaged in for public uses.

I submit for your consideration the question of enactment of such legislation. A bill has been prepared upon the subject and will be introduced in the House of Representatives by Honorable Herman Jones; I will introduce the bill in the Senate.

I request your early consideration of the subject matter of said bill.

Respectfully submitted,

K. M. REGAN,

Acting Governor of Texas.

Read.

H. C. R. No. 78.

The Chair laid before the Senate on its second reading the following resolution:

By Mr. Stovall, et al.:

H. C. R. No. 78, Requesting the Chairman of the Civilian Conservation Corps to place certain camps upon the Trinity River.

Senator Westerfeld explained the resolution.

H. C. R. No. 78 was adopted by viva voce vote.

H. C. R. No. 70.

The Chair laid before the Senate on its second reading the following resolution:

H. C. R. No. 70, Granting T. G. Allen of Navarro County permission to maintain a suit against the State Highway Commission of Texas for damages to real property.

Senator Cotten explained the resolution.

H. C. R. No. 70 was adopted by viva voce vote.

Vote Recorded.

Senator DeBerry asked to be recorded as voting "no" on adoption of H. C. R. No. 70.

House Bill No. 780.

Senator Redditt called up H. B. No. 780.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 780, A bill to be entitled "An Act making appropriations for the support and maintenance of the executive and administrative departments and agencies of the State Government for the two-year period beginning September 1, 1935, and ending August 31, 1937, and for other purposes; and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency."

(With committee substitute.)

Senator Small asked unanimous consent to lay H. B. No. 780 on the table subject to call.

There was objection.

Senator Small moved to lay H. B. No. 780 on the table subject to call. The motion prevailed by viva voce vote.

House Bill No. 266.

Senator Small asked unanimous consent to suspend the regular order of business and take up H. B. No. 266 out of regular order.

Unanimous consent was granted.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Stanfield, Mr. Worley, Mr. Rogers, Mr. Tarwater, and Mr. Alexander:

H. B. No. 266, A bill to be entitled "An Act declaring the policy of the State with reference to the preservation of natural resources and protection of the rights of the owners of gas producing properties; defining certain terms used in this bill; declaring certain corporations to be public service utilities; authorizing the Railroad Commission of Texas to determine whether the supply of gas in any pool is in excess of the reasonable market demand and reasonable demand for gas reserves and authorizing the Commission to restrict the use of gas to light and fuel purposes in all fields where the supply is not in excess of the demand and where the supply is not in excess of the reasonable requirements for reserve purposes, etc., and declaring an emergency."

Read the second time.

Laid on the Table Subject to Call.

Senator Small moved to lay H. B. No. 266 on the table subject to call and gave notice that he would call it up next Tuesday morning after the morning call.

The motion prevailed by viva voce vote.

House Bill No. 780.

Senator Redditt called from the table H. B. No. 780 with committee substitute.

On motion of Senator Redditt, the committee substitute was adopted by viva voce vote.

Vote Recorded.

Senator Collie and Senator DeBerry asked to be recorded as voting "no" on the adoption of the committee substitute.

Senator Redditt sent up the following amendments:

Amendment No. 1.

Amend committee substitute for H. B. No. 780, page 8, by striking

out lines 16 to 21, inclusive, and inserting in lieu thereof the following:

Bank Examiners:

For the Years Ending
August 31, 1936 August 31, 1937

2 at \$4,400.00 each per year; 2 at \$3,960.00 each per year; 6 at \$3,300.00 each per year; 10 at not exceeding \$2,640.00 each per year ----- \$

62,920.00 \$ 62,920.00
REDDITT.

Read and adopted.

Amendment No. 2.

Amend the committee substitute for H. B. No. 780, page 9, line 46, by striking out "\$10,000.00" in each column, and inserting in lieu thereof "\$20,000.00" in each column.

REDDITT.

Read and adopted.

Amendment No. 3.

Amend committee substitute for H. B. No. 780 by inserting between lines 54 and 55, page 4, the following:

Co-operative Dam Building Division.

For the Years Ending
August 31, 1936 August 31, 1937

27. Chief of division and engineer -----

1,980.00 1,980.00
REDDITT.

Read and adopted.

Amendment No. 4.

Amend the committee substitute for H. B. No. 780 by inserting be-

tween lines 41 and 42 on page 41 the following:

State Planning Board

For the Years Ending
August 31, 1936 August 31, 1937

1. Support and maintenance ----- \$

30,000.00 \$ 30,000.00
REDDITT.

Read.

Senator Davis sent up the following:

Amend Redditt amendment by reducing the State Planning Board appropriation from \$30,000.00 for each year to \$10,000.00 for each year.

DAVIS.

Read and pending.

Senate Resolution No. 78.

Senator Hornsby received unanimous consent to send up the following resolution:

Whereas, It seems to have become a fixed custom with present-day Governors to fortify themselves with "Brain Trusts" in the Senate and House of Representatives; and,

Whereas, We have a New Governor "For a Day" in the person of Honorable Ken Regan, The New Law of West of the Pecos, who is entitled to all of the privileges, and is subject to all the trials and tribulations of any other Governor; now, therefore, be it

Resolved, By the Senate, that we hereby nominate and elect Senator Frank H. Rawlings of Tarrant County as "Head" of the "Brain Trust" for the present Governor, with authority to select from among the members of the Senate two aides to assist him in discharging the duties and responsibilities of this high and important position.

HORNSBY.

Read and adopted by unanimous consent.

House Bill No. 780.

Motion to Table.

Senator Redditt moved to table the pending amendment by Senator Davis.

The motion to table prevailed by the following vote:

Yeas—20.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Cotten.	Poage.
DeBerry.	Redditt.
Duggan.	Sanderford.
Hill.	Shivers.
Hornsby.	Stone.
Isbell.	Van Zandt.
Martin.	Westerfeld.

Nays—6.

Collie.	Rawlings.
Davis.	Small.
Holbrook.	Sulak.

Absent.

Hopkins.	Woodruff.
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Absent—Excused.

Fellbaum.	Regan.
Moore.	

The question recurred on the adoption of the amendment by Senator Redditt.

The motion prevailed by the following vote:

Yeas—21.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Cotten.	Rawlings.
DeBerry.	Redditt.
Duggan.	Sanderford.
Hill.	Shivers.
Hornsby.	Stone.
Isbell.	Westerfeld.
Martin.	Van Zandt.
Neal.	

Nays—5.

Collie.	Small.
Davis.	Sulak.
Holbrook.	

Absent.

Hopkins.	Woodruff.
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Absent—Excused.

Fellbaum.	Regan.
Moore.	

Motion to Recess.

Senator Beck at 12:05 o'clock p. m. moved that the Senate recess until 2:00 o'clock p. m.

Motion pending.

Privileged Motion.

Senator Shivers was recognized for a privileged motion.

Motion to Reconsider.

Senator Shivers moved to reconsider the vote by which the Conference Committee report to H. B. No. 779 was adopted.

The motion prevailed by viva voce vote.

Recess.

The Senate at 12:15 o'clock p. m. recessed until 2:00 o'clock p. m.

After Recess.

The Senate met at 2:00 o'clock p. m. pursuant to recess and was called to order by Acting President Pro Tem Senator Rawlings.

Senate Resolution No. 79.

Senator Holbrook sent up S. R. No. 79, "in memory of Dr. Geo. E. Bethel, Dean of the Medical Department of the University of Texas, at Galveston."

The resolution was read and adopted unanimously by a rising vote.

House Bill No. 780.

Pending business was H. B. No. 780.

Senator Holbrook sent up the following amendments:

Amendment No. 1.

Amend the committee substitute for H. B. No. 780 by inserting the following between lines 27 and 28, page 50:

Monument Hill, La Grange, Texas.

To the Monument Hill Association of LaGrange, Texas, for the purpose of beautifying Monument Hill in Fayette County and completing the work which the ladies of this association have done to date about the graves of the men who perished in Dawson's Massacre and on the Mier Expedition into Mexico, to be available over a period of two years.....\$2,100.00

HOLBROOK,
SULAK.

The amendment was adopted by the following vote:

Yeas—18.

Beck.	Pace.
Blackert.	Rawlings.
Cotten.	Redditt.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Neal.	Westerfeld.

Nays—7.

Collie.	Oneal.
Davis.	Poage.
DeBerry.	Van Zandt.
Isbell.	

Absent.

Burns.	Martin.
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Absent—Excused.

Fellbaum.	Regan.
Moore.	Woodruff.

Executive Session.

Senator Oneal moved that the Senate go into Executive Session at 2:28 o'clock p. m. to consider Governor's nomination.

The motion prevailed.

The Senate Chamber was cleared and the doors locked.

After Executive Session.

The Secretary of the Senate informed the Journal Clerk that the following action had been taken in Executive Session:

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following appointments, have had the same under consider-

ation, and I, as Chairman of said committee, am instructed to report it back to the Senate with the recommendation that they be in all things confirmed:

To Be Member of the State Highway Commission:

(For a 6-year term succeeding W. R. Ely, beginning February 15, 1935, and to be Chairman for the ensuing biennium.)

Harry Hines of Wichita Falls, Wichita County.

To Be Members of Board of Regents of A. & M. College:

Joe Utay of Dallas, Dallas County.

F. M. Law of Houston, Harris County.

Walter Lacy, of Waco, McLennan County.

To Be Judge of the Thirty-seventh Judicial District of Bexar County:

Harry L. Howard of San Antonio, Bexar County.

To Be Member of Board of Regents of State Teachers College:

V. A. Collins of Livingston, Polk County, to succeed Ward Templeman, deceased.

ONEAL, Chairman.

Adopted April 18, 1935.

BOB BARKER,

Secretary of the Senate.

Privileged Motion.

Senator Westerfeld was recognized for a privileged motion.

House Bill No. 11.

Senator Westerfeld called up the Conference Committee report on H. B. No. 11 and moved the adoption of the report.

The motion prevailed by the following vote:

Yeas—17.

Collie.	Holbrook.
Davis.	Hopkins.

Hornsby. Shivers.
Martin. Small.
Neal. Stone.
Pace. Sulak.
Poage. Van Zandt.
Rawlings. Westerfeld.
Sanderford.

Nays—8.

Beck. DeBerry.
Blackert. Hill.
Burns. Redditt.
Cotten. Woodruff.

Present—Not Voting.

Duggan.

Absent.

Isbell. Oneal.

Absent—Excused.

Fellbaum. Regan.
Moore.

Motion to Reconsider.

Senator Holbrook moved to reconsider the vote by which the Confer-

ence Committee report on H. B. No. 11 was adopted and spread the motion on the Journal.

House Bill No. 780.

Pending business was H. B. No. 780.

Senator Holbrook sent up the following amendment:

Amend the committee substitute for H. B. No. 780 by inserting after the words "Grimes County" in line 14, page 12, the following:

"to be available over a period of two years, \$2,600.00."

**HOLBROOK,
SULAK.**

Read and adopted.

Senator Beck sent up the following amendment:

Amend the committee substitute for H. B. No. 780 by inserting the following between lines 45 and 46, page 10:

		For the Years Ending	
		August 31,	August 31,
		1936	1937
10a. Drug Clerk	\$	1,800.00	\$ 1,800.00
And by inserting the following between lines 20 and 21, page 10:			
20a. Property Clerk		1,800.00	1,800.00

BECK.

Read and adopted.

Senator Poage sent up the following amendment:

Amend committee substitute for H. B. No. 780 by striking out all of the words and figures in Items 8, 9, 10, 11 and 12, on page 20, and by writing in lieu thereof the following:

"8. Office supplies, equipment, contingent expenses, \$1,220.00 each year.

"9. Traveling expenses and automobile maintenance, \$3,000.00 each year.

"10. Stream measurements and topographic surveys, \$40,000.00 each year.

"11. Underground water investigations, \$20,000.00 each year.

"12. Duty measurement, \$5,000.00 each year."

POAGE.

Read and adopted.

Privileged Motion.

Senator Holbrook was recognized for a privileged motion.

Senate Bill No. 498.

Senator Holbrook moved that the Senate do concur in House amendments to S. B. No. 498.

The motion prevailed by the following vote:

Yeas—28.

Beck. Neal.
Blackert. Oneal.
Burns. Pace.
Collie. Poage.
Cotten. Rawlings.
Davis. Redditt.
DeBerry. Sanderford.
Duggan. Shivers.
Hill. Small.
Holbrook. Stone.
Hopkins. Sulak.
Hornsby. Van Zandt.
Isbell. Westerfeld.
Martin. Woodruff.

Absent—Excused.

Fellbaum. Regan.
Moore.

House Bill No. 780.

Senator Burns sent up the following amendments:

Amendment No. 1.

Amend committee substitute for H. B. No. 780, page 42, line 41, by striking out the figures \$1,980.00 and substitute in lieu thereof the figures \$2,400.00.

BURNS.

Read and adopted.

Amendment No. 2.

Amend committee substitute for H. B. No. 780, page 42, line 42, by striking out the figures \$792.00 and substitute in lieu thereof the figures \$1,200.00.

BURNS.

Read and adopted.

2. Assistant to executive secretary and stenographer

and renumbering the following lines and provisions and changing the totals to conform therewith.

VAN ZANDT.

Read and adopted.

Nine (9) none exceeding Fifteen Hundred (\$1,500.00) per year

Read and adopted.

Amend committee substitute for H. B. No. 780, page 41, line 35, Item 24, by striking out the figures \$55,000.00 and inserting in lieu thereof \$75,000.00.

SHIVERS,
COLLIE.

Read.

The amendment was adopted by the following vote:

Yeas—18.

Beck.	Hopkins.
Burns.	Hornsby.
Collie.	Neal.
Davis.	Oneal.
Duggan.	Pace.

Senator Sanderford sent up the following amendment:

Amend committee substitute for H. B. No. 780, page 20, line 6, by striking out the figures \$8,910.00 and inserting in lieu thereof the figures \$10,740.00 and providing for the chairman of the commission to receive a salary of \$4,800.00 per year and correct the totals to conform.

SANDERFORD.

Read and adopted.

Senator Van Zandt sent up the following amendments:

Amendment No. 1.

Amend committee substitute for H. B. No. 780, page 49, by adding between lines 28 and 29 the following:

For the Yeas Ending	
August 31,	August 31,
1936	1937
1080.00	1080.00

Amendment No. 2.

Amend committee substitute for H. B. No. 780, page 39, lines 37 to 39, by striking out all words and figures in lines 37 to 39, inclusive, after the word "clerks" and insert in lieu thereof the following:

For the Years Ending	
August 31,	August 31,
1936	1937
12,144.00	12,144.00

VAN ZANDT,
HILL.

Poage.	Stone.
Rawlings.	Van Zandt.
Sanderford.	Westerfeld.
Shivers.	Woodruff.

Nays—6.

Blackert.	Hill.
Cotten.	Redditt.
DeBerry.	Sulak.

Present—Not Voting.

Isbell.

Absent.

Holbrook.	Small.
Martin.	

Absent—Excused.

Fellbaum. Regan.
Moore.

Senator Sulak sent up the following amendment:
Amend H. B. No. 780 by striking out the salary schedule in all departments and inserting instead the 1934-1935 schedule where applicable.

**SULAK,
BLACKERT.**

The amendment was lost by the following vote:

Yeas—9.

Blackert.	Holbrook.
Collie.	Oneal.
Cotten.	Poage.
DeBerry.	Sulak.
Duggan.	

Nays—16.

Beck.	Burns.
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Hill.	Redditt.
Hopkins.	Sanderford.
Hornsby.	Shivers.
Martin.	Stone.
Neal.	Van Zandt.
Pace.	Westerfeld.
Rawlings.	Woodruff.

Present—Not Voting.

Isbell.

Absent.

Davis.	Small.
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Absent—Excused.

Fellbaum.	Regan.
Moore.	

Senator Hopkins sent up the following amendment:

Amend committee substitute for H. B. No. 780 by inserting on page 1, after line 49, four new items as follows:

	For the Years Ending	
	August 31, 1936	August 31, 1937
5a. First Assistant Personnel Officer\$	1500.00	\$ 1500.00
5b. Three Assistant Personnel Officers	3960.00	3960.00
5c. One Record Clerk	1320.00	1320.00
5d. One Filing Clerk	1188.00	1188.00

HOPKINS.

Read.

The amendment was adopted by the following vote:

Yeas—15.

Beck.	Pace.
Burns.	Rawlings.
Cotten.	Sanderford.
Davis.	Shivers.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Martin.	Woodruff.
Neal.	

Nays—11.

Blackert.	Oneal.
Collie.	Poage.
DeBerry.	Redditt.
Duggan.	Small.
Hill.	Sulak.
Holbrook.	

Present—Not Voting.

Isbell.	Westerfeld.
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Absent—Excused.

Fellbaum.	Regan.
Moore.	

Senator Redditt sent up the following amendments:

Amendment No. 1.

Amend the committee substitute for H. B. No. 780 by inserting between lines 6 and 7 on page 28 the following item:

	For the Years Ending	
	August 31, 1936	August 31, 1937
7a. Two stenographers at \$1,380.00 each per year	2,760.00	2,760.00

REDDITT.

Read and adopted.

Amendment No. 2.

Amend committee substitute for H. B. No. 780, page 13, by adding between the items numbered 4 and 6 in lines 51 and 52 the words and figures:

"Assistant Secretary and Librarian, \$1,500.00 for each year.

REDDITT.

Read and adopted.

Senator Neal sent up the following amendment:

Amendment No. 1.

Amend the committee substitute for H. B. No. 780 by striking out the provisions thereof under "Live Stock Sanitary Commission of Texas" beginning at line 60 on page 40 of the bill and continuing through line 41 on page 41 thereof and substitute therefor the following:

	For the Years Ending	
	August 31, 1936	August 31, 1937
1. Chairman	\$ 2,250.00	\$ 2,250.00
2. Commissioners, two, \$1200.00 per year	2,400.00	2,400.00
3. Chief clerk-bookkeeper	2,100.00	2,100.00
4. Chief Inspector (Tick and scabies combined)	2,400.00	2,400.00
5. Assistant to Chief Inspector (Tick and scabies combined)	1,800.00	1,800.00
6. Chief Veterinarian	2,400.00	2,400.00
7. Laboratory Director	2,310.00	2,310.00
8. Assistant Veterinarians, four, none exceeding \$2000.00 per year	8,000.00	8,000.00
9. Stenographers and file clerks, six, none exceeding \$1200.00 per year	7,200.00	7,200.00
10. District Supervisors, five, none exceeding \$1760.00 per year	8,800.00	8,800.00
11. Inspectors, none exceeding \$121.00 per month	220,000.00	220,000.00
12. Laboratory Assistant, one	1,200.00	1,200.00
13. Office boy and janitor	720.00	720.00
Total Salaries	\$ 261,580.00	\$ 261,580.00

NEAL.

Read and adopted.

Amendment No. 2.

Amend committee substitute to H. B. No. 780 by striking out the words and figures in both columns, "\$60,000.00" under Item 16, line 25, page 41, wherein it appropriates \$60,000.00 for '36 and '37 for dip and paint and insert in lieu thereof the words and figures "\$75,000.00" in the first column and "\$50,000.00" in the second column.

NEAL.

Read and adopted.

Senator Duggan sent up the following amendment:

Amend committee substitute for H. B. No. 780, page 26, line 35, by eliminating the figures "2310.00" in both columns and insert in lieu thereof the figures "2860.00" in both columns.

DUGGAN.

Read and adopted.

Senator Small sent up the following amendment:

Amend C. S. for H. B. No. 780 by adding after line 62, page 50, the following:

	For the Years Ending	
	August 31, 1936	August 31, 1937
Palo Duro State Park, Canyon, Texas.		
1. Keeper's Salary	\$ 720.00	\$ 720.00
2. Contingent Expenses, including extra help, improvements and transporta-		

tion	250.00	250.00
Total, Palo Duro State Park....\$	970.00	\$ 970.00

SMALL.

Read and adopted.

Amend Committee Substitute on page 33, line 36, Item 30, so as to hereafter read "Two Supervisors, Board of Mineral Development" and change the figures "\$2,475.00" for each of the two years so as to hereafter read "\$4,950.00."

REGAN.

Read and adopted.

Amend Committee Substitute on page 4, immediately after Item 34 in line 57, by adding a new item, to be known as Item No. 35, to read as follows:

"For cleaning up and burning cotton fields in Rio Grande Valley to prevent spread of pink bollworm, each year, \$10,000.00"

REGAN.

Read.

The amendment was lost by the following vote:

Yeas—9.

Collie.	Rawlings.
Davis.	Small.
Duggan.	Stone.
Hornsby.	Westerfeld.
Neal.	

Nays—13.

Beck.	Pace.
Blackert.	Poage.
Burns.	Redditt.
DeBerry.	Shivers.
Hill.	Van Zandt.
Holbrook.	Woodruff.
Oneal.	

Present—Not Voting.

Isbell.

Absent.

Cotten.	Sanderford.
Hopkins.	Sulak.
Martin.	

Absent—Excused.

Fellbaum.	Regan.
Moore.	

Amend C. S. for H. B. No. 780, page 52, line 40, by striking out the

figures "2,310" in each column and adding in lieu thereof the figures "2,970."

SMALL.

Read.

Motion to Table.

Senator Poage moved to table the amendment.

The motion to table lost by the following vote:

Yeas—9.

Beck.	Sanderford.
DeBerry.	Shivers.
Oneal.	Van Zandt.
Poage.	Woodruff.
Redditt.	

Nays—14.

Burns.	Hornsby.
Collie.	Neal.
Cotten.	Pace.
Davis.	Rawlings.
Duggan.	Small.
Hill.	Stone.
Holbrook.	Westerfeld.

Present—Not Voting.

Isbell.

Absent.

Blackert.	Martin.
Hopkins.	Sulak.

Absent—Excused.

Fellbaum.	Regan.
Moore.	

The amendment was adopted by viva voce vote.

Amend C. S. for H. B. No. 780, page 52, line 41, by striking out the figures "1,980" in each column and adding in lieu thereof the figures "2,200."

SMALL.

Read and adopted.

Senator Collie sent up the following amendments:

Amend C. S. for H. B. 780, line 47, page 28, by striking out the figures \$1980.00 and \$1980.00 and insert in lieu thereof the figures \$2310.00 and \$2310.00.

COLLIE.

Read.

Motion to Table.

Senator DeBerry moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—15.

Blackert.	Poage.
Burns.	Redditt.
Cotten.	Sanderford.
DeBerry.	Shivers.
Duggan.	Van Zandt.
Holbrook.	Westerfeld.
Oneal.	Woodruff.
Pace.	

Nays—7.

Collie.	Rawlings.
Davis.	Small.
Hill.	Stone.
Hornsby.	

Present—Not Voting.

Isbell.

Absent.

Beck.	Neal.
Hopkins.	Sulak.
Martin.	

Absent—Excused.

Fellbaum.	Regan.
Moore.	

Amend C. S. for H. B. No. 780, line 15, page 13, by striking out all of said line and insert in lieu thereof the following:

"\$1980.00 per year, \$3960.00, \$3960.00."

COLLIE.

Read and adopted.

Message From the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Office,

Austin, Texas, April 18, 1935.

To the Members of the Forty-fourth Legislature:

I feel it my duty to respectfully and earnestly call to your attention as an emergency matter for immediate consideration House Bill No. 223.

The need for revenue in this State is to well known to require com-

ment from me. I believe the above mentioned act presents an opportunity to get "the most feathers with the least squawk."

It has been estimated by those who have looked into this matter carefully that this measure will bring into our State Treasury from \$400,000.00 to \$700,000.00 of much needed revenue.

Therefore I will deeply appreciate your immediate consideration and passage of the above mentioned matter.

Respectfully submitted,

K. M. REGAN,

Acting Governor of Texas.

Read.

House Bill No. 780.

Senator Davis sent up the following amendment:

Amend committee substitute for H. B. No. 780, by striking out the following words in lines 36 and 37, page 46 of said substitute.

"of one-eighth of one per cent per barrel."

DAVIS.

Read and adopted.

Senator Hill sent up the following amendment:

Amend committee substitute to H. B. No. 780, page 43, lines 50 and 51 so that they shall hereafter read as follows:

"Secretaries to the Commissions, three, not to exceed \$1500.00 per year and stenographers, two, not exceeding \$1320.00 per year. \$7140.00, \$7140.00."

HILL.

Read.

Motion to Table.

Senator Redditt moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—13.

Blackert.	Poage.
Collie.	Redditt.
Cotten.	Sanderford.
DeBerry.	Shivers.
Duggan.	Small.
Holbrook.	Van Zandt.
Oneal.	

Nays—9.

Burns.

Davis.

Hill.	Pace.
Hopkins.	Rawlings.
Hornsby.	Woodruff.
Neal.	

Present—Not Voting.

Isbell.

Absent.

Beck.	Sulak.
Martin.	Westerfeld.
Stone.	

Absent—Excused.

Fellbaum.	Regan.
Moore.	

Senator Burns sent up the following amendment:

Amend committee substitute for H. B. No. 780, page 42, line 59, by striking out the figures \$1815.00 for both years.

BURNS.

Read and adopted.

Senator Poage sent up the following amendment:

Amend committee substitute for H. B. No. 780, by adding another section to subsection (b), line 57, to be known as subsection (3) as follows:

Provided further, that none of the foregoing appropriations for salaries shall be paid or warrants therefor issued by the State Comptroller to any employee until the employee shall have filed with the superintendent and/or disbursing officer of such respective institution or agency an affidavit showing his or her marital status, and if married, whether or not the spouse and/or any single children residing at home of such employee are also employed by the State Government, and the name of the institution, school, department, appellate court, or other State agency where such spouse or child is employed, together with the name of such spouse or child; the superintendent or disbursing officer of such institution or agency, in addition to the statutory affidavit now required to be attached to all pay rolls, shall also set forth in the pay roll affidavit that all of his employees have made the required affidavits and also set forth the facts of any of said relationship employment as disclosed by said employees' affidavits, together with the name

of the institution, school, department, appellate court, or other State agency where such spouse or child is employed, and if such relationship employment does not exist, then said affidavit shall so state; and the superintendent and/or disbursing officer of the institution or agency and the State Comptroller shall not approve for payment or issue warrants or checks for salaries for more than one of the above-mentioned members of any one family, provided, however, this shall not apply where the total salaries do not exceed \$125 per month, so employed in any eleemosynary institution, or for more than one member of any one family if other of the above-mentioned members of the family are employed by some other eleemosynary institution, school, appellate court, or other agency of the State Government. Affidavits of present employees shall be made by them and filed with the institutional superintendents within ten days before the first day of each fiscal year, and persons thereafter employed shall file such affidavits before they begin work; all of said affidavits shall be preserved by the superintendents for proper inspection for at least two years after their dates; said employees' affidavits shall be conclusive evidence of the superintendent's right to approve the pay rolls, and the pay roll affidavit of the superintendent or disbursing officer shall be conclusive evidence to the State Comptroller of his right to issue the warrants. None of these provisions shall apply to employees whose above-mentioned relatives may be on the State pay roll as highway maintenance laborers, employees on any State contracts where bids were received, and vocational, or other teachers in the public free schools. In the event the Comptroller shall hold up issuance or delivery of any warrant he shall notify the Board of Control of his action, and such warrants shall not be issued or delivered until the matter is definitely settled to the satisfaction of the State Comptroller.

POAGE,
WESTERFELD,
HILL,
SULAK,
NEAL,
DUGGAN,

COLLIE,
VAN ZANDT,
MARTIN,
ONEAL,
BLACKERT,
SHIVERS,
COTTEN,
SMALL.

Senator Burns sent up the following amendment:

Amend Poage amendment by adding the following:

"Provided the provisions of this Act shall not apply to the matron of the Goree Prison Farm."

BURNS.

Read and adopted.

Amend the amendment of the Senator from McLennan County, et al, to H. B. No. 780, by adding at the end thereof the following:

"Provided however, that the above restrictions shall not require the resignation of any member of a faculty of a State supported institution of higher learning, and provided further that it shall not preclude the employment of any son or daughter of any such faculty member upon a part-time basis while a student in any public school."

WOODRUFF.

Read and adopted.

The amendment by Senator Poage as amended was adopted by the following vote:

Yeas—14.

Blackert.	Poage.
Collie.	Rawlings.
Cotten.	Shivers.
DeBerry.	Small.
Duggan.	Sulak.
Hill.	Van Zandt.
Oneal.	Westerfeld.

Nays—11.

Beck.	Pace.
Burns.	Redditt.
Davis.	Sanderford.
Holbrook.	Stone.
Hopkins.	Woodruff.
Hornsby.	

Present—Not Voting.

Isbell.

Absent.

Martin.

Neal.

Absent—Excused.

Fellbaum.
Moore.

Regan.

Amend C. S. for H. B. No. 780, page 40, Item 17, by striking out the figures "2,500.00" and insert in lieu thereof the figures "5,000.00."

HOPKINS,
SANDERFORD.

Read and adopted.

Amend C. S. for H. B. No. 780 by striking out lines 46, 47 and 48, page 44, and inserting in lieu thereof the following:

For the Years Ending	
August 31, 1936	August 31, 1937

Inspectors, one at \$2400.00, Twenty-five at \$1800.00 per year each

\$	47,400.00	\$	47,400.00
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And amend caption and totals to conform.

WOODRUFF.

Read and adopted.

Vote Recorded.

Senator Collie asked to be recorded as voting "no" on the adoption of the amendment by Senator Woodruff.

Motion to Reconsider.

Senator Van Zandt moved to reconsider the vote by which the

amendment by Senator Woodruff was adopted.

Senator Van Zandt withdrew his motion to reconsider.

Senator DeBerry moved to reconsider the vote by which the amendment by Senator Woodruff was adopted.

Motion to Table.

Senator Woodruff moved to table the motion to reconsider.

The motion to table prevailed by the following vote:

Yeas—17.

Burns.	Rawlings.
Cotten.	Regan.
Davis.	Shivers.
Duggan.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Neal.	Westerfeld.
Pace.	Woodruff.
Poage.	

Nays—10.

Beck.	Martin.
Blackert.	Oneal.
Collie.	Redditt.
DeBerry.	Sanderford.
Holbrook.	Sulak.

Present—Not Voting.

Isbell.

Absent.

Hill.

Absent—Excused.

Fellbaum. Moore.

Senator Cotten sent up the following amendment:

Amend H. B. No. 780, page 57, line 25, sub-section "c," by adding thereto the following:

"Provided that said provisions shall not apply to employees of State hospitals and State sanitariums."

COTTEN.

Read.

Motion to Table.

Senator Poage moved to table the amendment by Senator Cotten.

The motion lost by the following vote:

Yeas—10.

Blackert.	Neal.
Collie.	Oneal.
DeBerry.	Poage.
Duggan.	Redditt.
Hill.	Westerfeld.

Nays—16.

Beck.	Pace.
Burns.	Rawlings.
Cotten.	Regan.
Davis.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Martin.	Woodruff.

Present—Not Voting.

Isbell.

Absent.

Small.

Sulak.

Absent—Excused.

Fellbaum.

Moore.

The amendment was adopted by viva voce vote.

Senator Woodruff sent up the following amendment:

Amend C. S. for H. B. No. 780 by striking out line 19, page 6 and inserting in lieu thereof the following:

For the Years Ending	
August 31,	August 31,
1936	1937

Periodicals	\$	250.00	\$	250.00
Law books		5000.00		5000.00

And by amending the totals and caption to conform.

WOODRUFF.

Read and adopted.

Senator Shivers sent up the following amendment.

Amend committee substitute for H. B. No. 780, page 20, line 34, by striking out the figure \$2750.00 and inserting in lieu thereof the figure \$3000.00 and by striking out figure \$1750 in line 37 and inserting in lieu thereof the figure \$2000.00.

SHIVERS.

Read.

Motion to Table.

Senator Van Zandt moved to table the amendment by Senator Shivers. The motion to table prevailing by the following vote:

Yeas—15.

Blackert.	Oneal.
Collie.	Poage.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Stone.
Holbrook.	Sulak.
Hopkins.	Van Zandt.
Martin.	

Nays—13.

Beck.	Rawlings.
Burns.	Regan.
Cotten.	Shivers.
Hill.	Small.
Hornsby.	Westerfeld.
Neal.	Woodruff.
Pace.	

Present—Not Voting.
Isbell.

Absent—Excused.

Fellbaum. Moore.

Amend committee substitute for H. B. No. 780 as amended by the Woodruff amendment by striking out same and inserting in lieu thereof the following:

"Inspectors, one at \$2315.00 per year, five at \$1980.00 per year, six at \$1,650.00 per year," and totals to conform.

DeBERRY.

Read.

Point of Order.

Senator Woodruff raised the point of order that the motion to reconsider the vote by which the amendment was adopted was tabled which was final action on the amendment. Sustained.

House Bill No. 11.

Senator Westerfeld called up his motion to reconsider the vote by which the Conference Committee report on H. B. No. 11 was adopted. The motion prevailed by viva voce vote.

H. B. No. 11 was finally passed by the following vote:

Yeas—22.

Collie.	Poage.
Davis.	Rawlings.
Duggan.	Regan.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Sulak.
Neal.	Van Zandt.
Oneal.	Westerfeld.
Pace.	Woodruff.

Nays—7.

Beck.	DeBerry.
Blackert.	Hill.
Burns.	Redditt.
Cotten.	

Absent—Excused.

Fellbaum. Moore.

Reason for Vote.

Mr. President: Having opposed the adoption of the Conference Report on H. B. No. 11, making appropriation of three million dollars to the Texas Centennial Celebration of 1936, for the sole reason that it was an unwise expenditure of the public money when the total deficit in State funds is in excess of twelve million dollars, the majority vote having favored the adoption of said report, I now desire to defer to the will of the majority and change my vote from "nay" to "aye" in order to give the measure the 21 votes, necessary to put it into immediate effect and avoid all delay in formulating the program for expenditure of such funds. It occurs to me that since the money will ultimately be spent it would be in the interest of efficient and wise administration of the fund to make it available immediately.

WOODRUFF.

House Bill No. 780.

Senator Redditt sent up the following amendment:

Amend the caption to conform to the body of the bill.

REDDITT.

Read and adopted.

The bill was read second time as substituted and amended and passed to third reading by viva voce vote.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 780 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.

Nays—1.

Sulak.

Absent—Excused.

Fellbaum. Moore.

Read third time and finally passed
by the following vote:

Yeas—25.

Beck.	Pace.
Burns.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Nays—4.

Blackert.	DeBerry.
Collie.	Sulak.

Absent—Excused.

Fellbaum. Moore.

House Bill No. 408.

Senator Davis called from the
table.

By Mr. Russell:

H. B. No. 408, A bill to be entitled "An Act fixing the compensation of county commissioners in every county having a population of not less than fifteen thousand nine hundred and seventy-five (15,975) nor more than sixteen thousand and twenty-five (16,025) inhabitants, according to the last preceding United States census, and providing how same shall be paid; providing that such shall be the salary of said commissioners so long as the taxable values in said counties shall exceed the sum of four million one hundred thousand dollars (\$4,100,000) for the next preceding year; providing that all laws or parts of laws in conflict with this Act are hereby expressly repealed, and declaring an emergency."

(With committee substitute.)

Read and pending.

Privileged Motion.

Senator Redditt was recognized
for a privileged motion.

Senate Bill No. 361.

Senator Redditt sent up the fol-
lowing conference committee report
on S. B. No. 361 and moved the
adoption of the report.

Committee Room,
Austin, Texas, April 18, 1935.
Hon. Walter F. Woodul, President
of the Senate
and
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sirs: We, your Conference Com-
mittee, appointed to adjust the dif-
ferences between the two Houses on
Senate Bill No. 361, and to whom
said bill was re-referred, recommend
that said bill be adopted in form and
text as submitted herewith.

Respectfully submitted,

REDDITT,
BURNS,
HILL,
COTTEN,
PACE,

On part of the Senate.

GLASS,
ROACH,
TILLERY,
ALSUP,
JONES of Shelby.

On part of the House.

By Redditt, Hill, S. B. No. 361.
Shivers, Pace, Burns,
Hughston, Cotton.

A BILL

To Be Entitled

An Act creating "Sabine-Neches Con-
servation District," a conservation
and reclamation district with the
powers provided in Section 59 of
Article 16 of the Constitution, to
conserve, control and utilize the
waters of the Sabine and Neches
Rivers and their tributaries, in-
cluding their storm and flood
waters, except said district shall
have no power of taxation nor
right to create any debt payable
out of taxation; authorizing one
or more districts created under
Section 59 of Article 16 of the
Constitution to coordinate their
plans and to join plans for im-
provements; defining the bounda-

ries thereof, providing for control through Board of Directors, their appointment, qualifications and tenure, their organization and powers; authorizing the Board of Directors to appoint a board of Managing Directors; authorizing the storing, controlling, conservation and distribution of storm and flood waters of the Sabine and Neches Rivers and their tributaries, within and/or without such district for irrigation, domestic, industrial and municipal uses, and also for hydroelectric power, with authority to make contracts with water users and to establish and collect maintenance and operation charges for water service, also authorizing all contracts, leases and agreements necessary or convenient with any person, corporation or government, including the United States Government and State of Texas, or their agencies; authorizing conveyance of the district's properties, improvements and facilities to the United States, or any agency thereof, and a lease thereof with the United States, or any agency thereof, with the rentals payable out of the revenues of such district; subordinating such districts to the control of the State Board of Water Engineers, or other State agency; providing for acquiring, constructing, maintaining and operating of all necessary properties, lands, rights, tenements, easements, improvements, reservoirs, dams, canals, laterals, plants, works and facilities necessary or proper within or without said district, including the right of eminent domain, and authorizing such district to borrow money from the Federal Emergency Administration of Public Works, or other United States agency, and from other persons, and secure payment thereof by first and/or second mortgage and encumbrance on all of the district's properties, improvements and facilities, and/or the revenues and income to be derived therefrom; to provide work for the relief of unemployed people of Texas; providing for the issuance of interest bearing obligations therefor; requiring submission by said district preliminary to issu-

ing any obligations under said Act, of a certified copy of such obligations under said Act, and of the proceedings authorizing the issuance of such obligations to the Attorney General of Texas for approval, and requiring such obligations, when so approved, to be registered by the Comptroller of the State of Texas; prescribing their terms, conditions of issuance and prohibiting their payment out of any taxation or involuntary assessment; authorizing the grant to the purchaser of such properties under foreclosure sale of a franchise and permit to operate such improvements and facilities; authorizing the refunding of any obligations issued hereunder; authorizing the holder of any such obligation to enforce by legal proceedings performance of duties required by this Act to be performed by such Board of Directors of said district, and in the event of any default on any such obligations to have an administrator or receiver appointed to administer and operate such properties in order to obtain payment of such obligations; preserving the water rights of existing water users; prescribing all necessary details; providing nothing in this Section contained shall conflict with the requirements of any Federal Agency providing any funds for such District; making an appropriation of Five Thousand (\$5,000.00) Dollars out of the general fund of this State, or so much thereof as is necessary, to pay expenses incurred by said district, acting by and through its Board of Managing Directors; providing if any provisions of this Act shall be invalid, the validity of the other provisions thereof shall not be affected; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That there shall be and is hereby created a conservation and reclamation district by the name of "Sabine-Neches Conservation District," which district is created as a governmental agency, body politic and corporate, vested with all the authority as such under the Constitution and Laws of the State; and

which shall have and be recognized to exercise all of the powers of such governmental agency and body politic and corporate as are expressly authorized in the provisions of the Constitution, Section 59 of Article 16, for districts created to conserve, store, control, preserve, utilize and distribute the storm and flood waters and the waters of the rivers and streams of the State, and such powers as may be contemplated and implied by the purposes of this provision of the Constitution, and as may be conferred by General Law, as well as by the provisions of this Act, except nothing herein contained shall authorize said district to levy any taxes or special assessments, or to create any debt payable out of taxation; and said district shall have and be recognized to exercise all the rights and powers of an independent governmental agency, body politic and corporate, to construct, maintain and operate, in the valleys of the Sabine and Neches Rivers and their tributaries, within or without the boundaries of such district, any and all works deemed essential to the operation of the district and for its administration in the control, storing, preservation and distribution to all useful purposes of the waters of the Sabine and Neches Rivers and their tributary streams, including the storm and flood waters thereof; and such district shall have and be recognized to exercise such authority and power of control and regulation over such waters of the Sabine and Neches Rivers and their tributaries as may be exercised by the State of Texas, subject to the provisions of the Constitution and the Acts of the Legislature.

Sec. 2. Any drainage, conservation, reclamation or other district heretofore created by the State of Texas with powers provided in Section 59 of Article 16 of the Constitution, shall have the authority, power and right to coordinate its plans with the district herein created and shall have full authority, power and right to enter into joint undertakings for the purposes for which the districts are created. Provided, however, that all such acts must be approved by a majority of the Boards of Directors of all districts involved.

Sec. 3. The territory which shall be embraced within the boundaries of said "Sabine-Neches Conservation District" shall be that part of the State of Texas defined as follows: Smith, Wood, Van Zandt, Camp, Upshur, Anderson, Henderson, Kaufman, Angelina, Nacogdoches, Cherokee, San Augustine, Sabine, Jasper, Newton, Gregg, Harrison, Panola, Rusk, Shelby, Hunt, Rains, Houston, Trinity, Polk, Orange, Bowie, Cass, Hopkins, Collin, Rockwall and Marion counties.

Sec. 4. The management and control of all the affairs of such district shall be vested in the Board of Directors, consisting of thirty-two members, one member being chosen from each county, or portion of county, lying within the "Sabine-Neches Conservation District," as created by this Act, all of whom shall be freehold property tax payers and legal voters of such district. Such Board of Directors shall be appointed by the Governor of Texas as soon as practicable after the passage of this Act, one-third of the members to be appointed for a term of two (2) years, one-third of the members thereof to be appointed for a term of four (4) years and the remaining members thereof to be appointed for a term of six (6) years, and upon the expiration of the respective terms of said directors, the successors of each and all of them shall be appointed thereafter for a term of six (6) years. The directors shall hold office after their appointment and qualification until their successors shall be appointed and qualified. Should any vacancy occur in the Board of Directors, the same shall be filled in like manner by the Governor of Texas for the unexpired term. The directors appointed shall, within fifteen (15) days after their appointment, qualify by taking the official oath and filing a good and sufficient bond with the Secretary of State; the official bond of each director to be in the sum of One Thousand (\$1,000.00) Dollars, shall be payable to the district, shall be conditioned upon the faithful performance of their duties as such directors, and shall be subject to approval by the Secretary of State. The Board of Directors shall elect annually, for the term of one year, five

members thereof, who shall be known as the "Board of Managing Directors," and when so elected they shall continue to perform the duties of directors, and shall receive no compensation other than as provided for directors herein.

Sec. 5. The directors of the district shall organize by electing one of their members President, one Vice-president and one Secretary. Seventeen directors shall constitute a quorum at any meeting and a concurrence of a majority of those present shall be sufficient in all matters pertaining to the business of the district, except the letting of construction contracts and the authorization of issuance of warrants paying therefor, which shall require the concurrence of twenty-two directors. Warrants for the payment of money may be drawn and signed by two officers or employees designated by standing order entered on the minutes of the directors when such accounts have been contracted and ordered paid by the Board of Directors.

Sec. 6. The directors of the district shall require all officers and employees who shall be charged with the collection or paying or handling of any funds of the district under their orders, to furnish good and sufficient bonds, with a duly authorized surety company as surety thereon, payable to the district, conditioned upon the faithful performance of their duties and accounting for all funds and property of the district coming into their hands, which bonds shall be in sufficient sums to safeguard the district.

Sec. 7. The President shall preside at all meetings of the Board, and shall be the chief executive officer of the District. The Vice-President shall act as President in the case of the absence or disability of the President. The Secretary shall act as a Secretary of the Board of Directors and shall be charged with the duty of seeing that all records and books of the district are properly kept. In case of the absence or inability of the Secretary to act, a Secretary pro tem shall be selected by the directors. The directors shall hold regular meetings at the office of the district on the first Monday in February, May, August and No-

vember of each year at 10:00 o'clock, A. M., and may hold other meetings at such other times as the business of the district may require.

Sec. 8. The directors shall receive as fees of office the sum of not to exceed Ten (\$10.00) Dollars per day for each day of service necessary to discharge their duties, provided such service is authorized by vote of the Board of Directors. They shall file with the Secretary a verified statement showing the actual number of days of service each month on the last day of the month, or as soon thereafter as possible and before a warrant shall be issued therefor.

Sec. 9. The directors shall keep a true and full account of all their meetings and proceedings and preserve their minutes, contracts, records, notices, accounts, receipts and records of all kinds in a fireproof vault or safe. The same shall be the property of the district and subject to public inspection. A regular office shall be established and maintained for conduct of the district business within the district.

Sec. 10. A complete book of accounts shall be kept. The account books and records of the district and of the depository of the district shall be audited by a Certified Public Accountant annually as soon as practicable after the expiration of each year, such audit to cover the preceeding calendar year, and report thereon shall be submitted to the first regular meeting of the Board of Directors thereafter. Said report shall be in quadruplicate, one copy being filed in the office of the district, one with the depository of the district, one in the office of the Auditor and one with the State Board of Water Engineers, all of which shall be open to public inspection.

Sec. 11. The directors may employ a Managing Director for the district and may give him full authority in the management and operation of the district affairs (subject only to the orders of the Board of Directors.) Compensation to be paid such Managing Director and all employees shall be fixed by the Board of Directors and all employees may be removed by the Board.

Sec. 12. All bonds required to be given by directors, officers and employees of the district shall be exe-

cuted by a surety company authorized to do business in the State, as surety thereon; and the district shall be authorized to pay the premiums on such bonds.

Sec. 13. No director of any such district, engineer or employee thereof shall be directly or indirectly, interested either for themselves or as agents for any one else in any contract for the purchase or construction of any work by said district, and if any such person shall, directly or indirectly, become interested in any such contract, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine in any sum not to exceed One Thousand (\$1,000.00) Dollars, or by confinement in the county jail not less than six months nor more than one year, or by both fine and imprisonment.

Sec. 14. The said district shall have and be recognized to exercise, in addition to all the hereinbefore mentioned powers, for the conservation and beneficial utilization of said waters, the power of control and employment of such waters of the Sabine and Neches Rivers and their tributaries, including the storm and flood waters thereof, in the manner and for the particular purposes hereinafter set forth:

(a) To provide through practical and legal means for the control and coordination of the regulation of the waters of the Sabine and Neches Rivers and their tributary streams.

(b) To provide by adequate organization and administration for the preservation of the equitable rights of the people of the different sections of the watershed area in the beneficial use of the waters of the Sabine and Neches Rivers and their tributary streams.

(c) For storing, controlling and conserving the waters of the Sabine and Neches Rivers and their tributaries within and/or without such district, and the prevention of the escape of any of such waters without the maximum of public service; for the prevention of devastation of lands from recurrent overflows, and the protection of life and property in such district from uncontrolled flood waters.

(d) For the conservation of the waters of the Sabine and Neches Riv-

ers and their tributaries essential for the domestic uses of the people of the district, including all necessary water supplies for cities and towns.

(e) For the irrigation of all lands in said district and/or lands without said district but within said watershed area where irrigation is required for agricultural purposes, or may be deemed helpful to more profitable agricultural production; and for the equitable distribution of said waters to the regional potential requirements for all uses, domestic, manufacturing and irrigation. All plans and all works provided by said district, and as well, all works which may be provided under authority of said district, shall have primary regard to the necessary and potential needs for water, by or within the area in such district constituting the watershed of the Sabine and Neches Rivers and their tributary streams.

(f) For the better encouragement and development of drainage systems and provisions for drainage of lands in the valleys of the Sabine and Neches Rivers and their tributary streams needing drainage for profitable agricultural production; and drainage for other lands in the watershed area of the district requiring drainage for the most advantageous use.

(g) For the purpose of encouraging the conservation of all soils against destructive erosion and thereby preventing the increased flood menace incident thereto.

(h) To control and make available for employment said waters in the development of commercial and industrial enterprises in all sections of the watershed area of the district.

(i) For the control, storing and employment of said waters in the development and distribution of hydroelectric power, where such use may be economically coordinated with other and superior uses, and subordinated to the uses declared by law to be superior.

(j) And for each and every purpose for which flood and storm waters when controlled and conserved may be utilized in the performance of a useful service as contemplated and authorized by the provisions of

the Constitution and the public policy therein declared.

(k) To purchase and/or construct all works necessary or convenient for the exercise of the powers and to accomplish the purposes specified in this Act and to purchase or otherwise acquire all lands and/or other property necessary or convenient for carrying out any such purposes.

(1) The right of eminent domain is expressly conferred upon such district to enable it to acquire the fee simple title to, and/or easement or right-of-way over and through, any and all lands, water or lands under water, private or public, within and without such district, necessary or convenient to carry out any of the purposes and powers conferred upon such district by this Act. All such condemnation proceedings shall be under the direction of the directors and in the name of the district, and the assessment of damages and all procedure with reference to condemnation, appeal and payment shall be in conformity with the statutes of this State as provided in the title of the Revised Statutes relating to "Eminent Domain."

(m) The Board of Directors of said district shall prescribe fees and charges to be collected for the use of water, water connections or other service, which fees and charges shall be reasonable and equitable and fully sufficient to produce revenues adequate to pay, and said Board of Directors shall cause to be paid therefrom:

(1) All expenses necessary to the operation and maintenance of the improvements and facilities of said district. Such operating and maintenance expenses shall include the cost of the acquisition of properties and materials necessary to maintain said improvements and facilities in good condition and to operate them efficiently, necessary wages and salaries of the districts, and such other expenses as may be reasonably necessary to the efficient operation of said improvements and facilities.

(2) The annual or semi-annual interest upon any obligation issued hereunder payable out of the revenues of said improvements and facilities.

(3) The amount required to be paid annually into the sinking fund for the payment of any obligations issued hereunder payable out of the

revenues of said improvements and facilities.

No other charge shall be made upon the revenues derived from said improvements and facilities so long as any obligations issued hereunder shall remain outstanding and unpaid as to principal or interest provided, however, that out of revenues which may be received in excess of those required for the purposes listed in the above sub-paragraph (1), (2) and (3), the Board of Directors may pay the cost of improvements and replacements not covered by said sub-paragraph (1), and may establish a reasonable depreciation and emergency fund.

It is the intent of this Act that the fees and charges of such district shall not be in excess of what may be reasonably necessary to fulfill the obligations imposed upon said district by this Act.

(n) Such district through its Board of Directors, shall have the right to employ managers, engineers, attorneys, and all necessary employees to properly construct, operate and maintain said works and carry out the provisions of this Act and to pay reasonable compensation fixed by the Board of Directors for such services.

(o) Such district, in addition to the powers hereinabove set out, shall have general power and authority to make and to enter into all contracts, leases and agreements necessary or convenient to carry out any of the powers granted in this Act, which contracts, leases and agreements may be entered into with any person, real or artificial, any corporation, municipal, public or private, and/or any government or governmental agency, including the United States Government and the State of Texas, and may convey or cause to be conveyed any of its properties, rights, lands, tenements, easements, improvements, reservoirs, dams, canals, plants, laterals, works and facilities to the United States Government or any agency thereof, and may enter into a lease with the United States Government, or any agency thereof relative thereto, and obligate itself to pay rental therefor out of the income and revenues thereof, with or without the privilege of purchase, provided, however, that nothing herein contained shall authorize the assumption by such district of any

obligation requiring payment out of taxes. Any and all such contracts, leases and agreements herein authorized shall be approved by resolution of the Board of Directors of such district, and shall be executed by the President and attested by the Secretary thereof.

(p) Such district shall have the right to sue and to be sued.

(q) Before such district shall establish a diversion point, construct the canals, pumping plants and other work herein provided for, it shall present to the Board of Water Engineers of the State of Texas, or such other agency performing the functions now performed by the Board of Water Engineers, plans and specifications of the same and obtain approval of such Board.

Sec. 15. The powers and duties herein devolved upon the said district shall be subject to the continuing rights of supervision by the State which shall be exercised through the State Board of Water Engineers, and in appropriate instances, by the State Reclamation Engineer, each of which agencies shall be charged with the authority and duty to approve, or to refuse to approve, the adequacy of any plan or plans for flood control or conservation improvement purposes devised by the district for the achievement of the plans and purposes intended in the creation of the district, and which plans contemplate improvements supervised by the respective State authorities under the provisions of the General Law.

Sec. 16. Said district shall have and may exercise such functions, powers, authority, rights and duties as may permit the accomplishment of the purposes for which it is created, including investigating and planning, acquiring, constructing, maintaining and operating of all necessary properties, lands, rights, tenements, easements, improvements, reservoirs, dams, canals, laterals, plants, works and facilities which it may deem necessary or proper for the accomplishment of said purposes, including the acquisition within and/or without said district of lands, rights-of-way, water rights and all other properties, tenements, easements and all other rights incident, helpful to or in aid of carrying out the purposes of said district as herein defined; and this Act in all of its terms and provi-

sions shall be liberally construed to effectuate each and all of the purposes thereof.

Sec. 17. Said district may receive grants and borrow money from the Federal Emergency Administration of Public Works of the United States, or from any other department or agency of the United States, or from any other source, and in evidence thereof may issue the notes, warrants, certificates of indebtedness or other form of obligations of such district, payable solely out of the revenues to be derived from said improvements and facilities and the operations and devices thereof.

Sec. 18. Each issue of obligations authorized hereunder shall constitute a separate series and shall be appropriately designated. Such obligations shall not constitute an indebtedness or pledge of the credit of such district, shall never be paid in whole or in part out of any funds raised or to be raised by taxation, and shall contain a recital to that effect. All obligations issued hereunder shall be in registered or coupon form and if in coupon form may be registerable as to principal only, or as to both principal and interest, shall bear interest at a rate not to exceed six per cent per annum, payable annually or semi-annually, and shall be in such denominations and shall mature serially or at one time not more than fifty years from their date in such manner as may be provided by the Board of Directors. Principal of and interest on such obligations shall be made payable at any place or places within or without the State of Texas and in the discretion of the Board of Directors; such obligations may be made redeemable at the option of said Board prior to maturity at such premium or premiums as the Board shall determine. Such obligations shall be signed by the President and Secretary of the Board of Directors, and the interest coupons attached thereto may be executed with the facsimile signatures of such officers. Such obligations shall be sold in such manner and at such time as the Board of Directors shall determine to be expedient and necessary to the interest of the district, provided, that in no event shall such obligations be sold for a price which will result in an interest yield therefrom of more than six per cent computed to

maturity according to standard bond tables in general use by banks and insurance companies. In the event any of the officers whose signatures are on such obligations or coupons shall cease to be such officers before the delivery of such obligations to the purchaser, such signature or signatures, nevertheless shall be valid and sufficient for all purposes. All obligations issued hereunder shall constitute negotiable instruments within the meaning of the Negotiable Instruments Law.

Sec. 19. Any obligations issued hereunder may be issued payable from and secured by the pledge of all the revenues derived from the operation of the improvements and facilities of the district, exclusive of any revenues derived from taxation of assessments, or may be payable from and secured by the pledge of only such revenues as may be derived from the operation of the improvements and facilities acquired with the proceeds of the sale of such obligations, or may be payable from and secured by the pledge of a specific part of the revenues derived from the operation of the improvements and facilities of the district, all as may be provided in the proceedings authorizing the issuance of such obligations. If more than one series of obligations shall be issued under the provisions of this Act, payable from and secured by identical revenues, priority of lien against such revenues shall depend on the time of delivery of such obligations, each series enjoying a lien against such revenues prior and superior to that enjoyed by any other series of obligations subsequently delivered, provided, however, that as to any issue or series of obligations which may be authorized as a unit but delivered from time to time in blocks, the Board of Directors may, in proceedings authorizing the issuance of such obligation provide that all of the obligations, of such series or issue shall be co-equal as to lien regardless of the time of delivery.

Sec. 20. Any resolution, or order authorizing the issuance of obligations under the provisions hereof shall provide for the creation of a sinking fund, into which shall be paid from the revenues pledged to the payment of such obligations from month to month as said revenues are collected, sums fully sufficient to pay principal of and interest on such ob-

ligations. The money in such sinking fund shall be applied solely to the payment of interest on the obligations for the payment of which such fund is created and for the retirement of said obligations at or prior to maturity in the manner herein provided. The Board of Directors may at the time obligations are authorized hereunder provide that all money in such sinking fund in excess of the amount required for the payment of interest on and principal of such outstanding obligations for such period as it may determine shall be expended once each year pursuant to this order in the purchase of obligations for the account of which such sinking fund has been accumulated, if any such obligations can be purchased at a price which shall seem reasonable to the Board, and may provide that in the event such obligations contain an option permitting retirement prior to maturity then such excess sums shall be paid out as aforesaid for the purchase of such obligations, but that if the Board shall be unable to so purchase sufficient obligations of said issue to absorb all such surplus it shall call for redemption of a sufficient amount of such obligations to absorb so far as practicable the entire surplus remaining in said sinking fund. It may be provided that any excess in the sinking fund which cannot be applied to the purchase or redemption of obligations shall remain in said sinking fund to be used for payment of principal or interest when due, or for the subsequent call of obligations for purchase or redemption in the manner above provided.

Sec. 21. Any resolution or order authorizing the issuance of obligations hereunder may contain such covenants with the holders of the obligations as to the management and operation of said improvements and facilities, collection of fees and charges for the use thereof, disposition of such fees and charges, issuance of future obligations and creation of future liens, mortgages and encumbrances against said improvements and facilities, and the revenues thereof and other pertinent matters, as may be deemed necessary to insure the marketability of said obligations, provided such covenants are not inconsistent with the provisions of this Act.

Sec. 22. Any resolution or order authorizing the issuance of obliga-

tions hereunder shall provide that the revenues from which such obligations are to be paid and which are pledged to the payment of such obligations shall from month to month as the same shall accrue and be received, be set apart and placed in the sinking fund and disbursed in the manner hereinabove provided. In fixing and determining the amount of revenues which shall be so set aside, the Board of Directors shall provide that the amount to be set aside and paid into said fund in any year or years shall be not less than a fixed sum, which sum shall be at least sufficient to provide for the payment of the interest on and principal of all obligations maturing and becoming payable in each such year, together with a surplus or margin of ten per cent in excess thereof.

Ses. 23. Any holder of obligations issued hereunder or of coupons originally attached thereto, may either at law or in equity, by suit, action, mandamus, or other proceedings, enforce and compel performance of all duties required by this Act to be performed by the Board of Directors, including the making and collecting of reasonable and sufficient fees or charges for the use of the improvements and facilities of the district, the segregation of the income and revenues of such improvements and facilities, and the application of such income and revenues pursuant to the provisions of this Act. If there be any default in the payment of the principal of or interest on any of such obligations, any holder thereof shall be entitled to have an administrator or receiver appointed by any court having jurisdiction to administer and operate the improvements and facilities, the revenues of which are pledged to the payment of such obligations, in behalf of the district and the holders of such obligations, with power to fix and collect fees and charges sufficient to provide for the payment of operation and maintenance expenses as hereinabove defined, and to pay any obligations or interest coupons outstanding payable from the revenues of such improvements, and facilities, and to apply the income and revenues thereof in conformity with the provisions of this Act and the proceedings authorizing the issuance of said obligations.

Sec. 24. As additional security for the payment of any obligations issued hereunder, the Board of Di-

rectors may in its discretion have executed in favor of the holders of such obligations an indenture mortgaging and encumbering the improvements, facilities and properties acquired with the proceeds of the sale of such obligations, and/or all of the improvements, facilities and properties of the district, and may provide in such encumbrance for a grant to any purchaser or purchasers at foreclosure sale thereunder of a franchise to operate such improvements, facilities and properties for a term of not over fifty years from the date of such purchase, subject to all laws regulating same then in force. Any such indenture may contain such terms and provisions as the Board of Directors shall deem proper and shall be enforceable in the manner provided by the laws of Texas for the enforcement of other mortgages and encumbrances. Under any sale ordered pursuant to the provisions of such mortgage or encumbrance, the purchaser or purchasers at such sale, and his or their successors or assigns, shall be and hereby are vested with a permit and franchise to maintain and operate the improvements, facilities and properties purchased at such sale with like powers and privileges as may theretofore have been enjoyed by the district in the operation of said improvements, facilities and properties. The purchaser or purchasers of such improvements, facilities and properties at any such sale, and his or their successors and assigns, may operate said improvements, facilities and properties as provided in the last above sentence or may at their option remove all or part of said improvements, facilities and properties for diversion to other purposes. Any Statutes of the State of Texas pertaining to the granting of franchises shall not be applicable to the authorization of execution of any mortgage or encumbrance entered into pursuant to the provisions of this Act, nor to the granting of any franchise hereunder.

Sec. 25. The proceeds of the sale of any obligations issued hereunder may be deposited in such bank or banks as may be agreed upon between the purchaser at such sale and the Board of Directors, and may be deposited and paid out pursuant to such terms and conditions as may be so agreed upon, it being expressly provided that the Statutes of Texas pertaining to the deposit of the dis-

strict funds in the depository of such district shall not be applicable to the deposit of the proceeds of such sale. Any part of the proceeds of the sale of obligations issued hereunder which may remain unexpended after the project for which the obligations were authorized has been completed may be paid into the sinking fund for the payment of said obligations and be used only for the payment of principal of such obligations, or for the purposes of acquiring such outstanding obligations by purchase in the manner hereinabove provided.

Sec. 26. The Board of Directors is authorized to enter into an agreement or agreements with the purchaser or purchasers of any obligations issued hereunder under the terms of which such Board shall agree to keep all of the improvements and facilities, the revenues of which are pledged to the payment of such obligations, insured with insurers of good standing against loss or damage by fire, water or flood, and also from any other hazards customarily insured against by private companies operating similar properties, and to carry with insurers of good standing such insurance covering the use and occupancy of such property as is customarily carried by such private companies. The cost of such insurance shall be budgeted as maintenance and operation expense and such insurance shall be carried for the benefit of the holders of such obligations.

Sec. 27. Any obligations issued pursuant to the provisions of this Act shall be exempt from taxation by the State of Texas or by any municipal corporation, county, or other political subdivision or taxing district of the State.

Sec. 28. Such district issuing obligations under the provisions hereof may thereafter authorize and issue its refunding obligations on such terms as its Board of Directors may deem advisable for the purpose of providing for the retirement of any such outstanding obligations, either due or to become due, which refunding obligations may be either exchanged for like par amounts of such outstanding obligations or may be sold and the proceeds of sale so applied. Any refunding obligations authorized and issued pursuant hereto shall be subject to the provisions of this Act pertaining to the issuance of other obligations and shall

be secured in all respect to the same extent and be payable from the same revenues as were the obligations refunded thereby.

Sec. 29. Before any such obligation shall be issued, such district shall submit a certified copy thereof and of the proceedings for their issuance, together with any additional information which may be required, to the Attorney General of Texas for approval, and when so approved, such obligations shall be issued after registration with the Comptroller of the State of Texas.

Sec. 30. This Act, without reference to other Statutes of the State of Texas, shall constitute full authority for the authorization and issuance of obligations hereunder and for the accomplishment of all things herein authorized to be done, and no proceedings relating to the authorization or issuance of such obligation or the doing of such things shall be necessary except such as are herein required, and neither the Bond and Warrant Law of 1931 or any other provisions of the laws of the State of Texas pertinent to the authorization or issuance of obligations, the operation and maintenance of such improvements and facilities, the granting of franchises or permits, the right to elections or referendum petitions, or in anywise impeding or restricting the carrying out of the acts authorized to be done hereunder, shall be construed as applying to any proceedings had hereunder or acts done pursuant hereto.

Sec. 31. Nothing in this Act shall be construed as affecting any existing rights, or existing priorities in the rights, to water from the source of supply, and neither the formation of the district hereunder, nor a contract for the purchase of water with such district, shall ever be held to be an abandonment or waiver of said rights or priorities, or an abandonment of the original point of diversion from the source of supply, but all such rights existing at the time of the formation of such district, shall be preserved.

Sec. 32. That said district, or the contractor who employs the labor for the construction of any improvements for said district, shall be required to give preference to persons who are on relief rolls, or otherwise unemployed, including those required for office or clerical work, but excepting the key workers of such district or such contractor, provided,

such persons on relief or unemployed, are capable of efficiently rendering the proper service in the various classifications of labor under which they are employed, and in the event there are not sufficient persons with the proper qualifications as aforesaid, then the district or the contractor shall give preference to employment of qualified workers who reside in the locality where such improvements are to be constructed; and every contract expressly entered into by the district hereunder, shall impose upon the contractor the obligation to give preference in employment to such needy persons upon relief rolls or otherwise as provided herein, and shall expressly impose upon such contractor the obligations provided for in this section; provided nothing in this section contained shall conflict with the requirements of any Federal Agency providing any funds for such District.

Sec. 33. There is hereby appropriated, and there shall be paid to said District out of the General Fund not otherwise appropriated, the sum of Five Thousand (\$5,000.00) Dollars, which said sum shall be used for the defraying the expenses of making engineering surveys, plans and specifications, for the compilation of other necessary data, for abstracts of title, and for the payment of necessary and proper expenses incidental to the application and negotiations for, and securing the aid and assistance of the Federal Emergency Administration of Public Works, or other Governmental bodies of the United States, and in connection with the organization of the District, and any and all expenses necessary to the management of the affairs of the District. Provided, however, that none of the amount appropriated herein shall be used to pay any expenses or costs incurred prior to the effective date of this Bill. Provided that none of the funds herein appropriated shall be used to pay for options on lands in said District.

Sec. 34. If any paragraph, clause or provision of this Act shall be held unconstitutional, the validity of the other provisions of this Act, shall not be affected thereby, but shall remain in full force and effect.

Sec. 35. The importance of this Legislation to the section of the State affected thereby, creates an emergency and an imperative public necessity that the Constitutional

Rule requiring bills to be read on three several days be, and the same is hereby suspended, and that this Act shall take effect and be in force from and after the passage thereof, and it is so enacted.

Read and adopted by the following vote:

Yeas—26.

Beck.	Oneal.
Blackert.	Page.
Burns.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

Nays—2.

Collie.	DeBerry.
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Absent.

Sulak.

Absent—Excused.

Fellbaum.

Moore.

H. C. R. No. 50.

Senator Redditt sent up the following Conference Committee report:

Committee Room,
Austin, Texas, April 10, 1935.
Hon. Walter F. Woodul, President of the Senate.

and

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the two Houses on H. B. No. 50, recommend that said resolution be adopted in form and text as submitted herewith.

Respectfully submitted,

KNETSCH,
FUCHS,
TARWATER,
OLSEN,
POPE,

On part of the House.

REDDITT,
MARTIN,
SULAK,
COLLIE,
DeBERRY,

On part of the Senate.

H. C. R. No. 50.

Whereas, The entire cotton crop of the United States is produced in thirteen Southern States; and,

Whereas, The grain crops of the State of Texas are of vital importance to the citizens of the State of Texas; and,

Whereas, The State of Texas and particularly the farmers of the State of Texas are vitally interested in the production and sale of cotton, cotton products, grain and grain products, and in the production and sale of other major crops raised in this State; and,

Whereas, The general prosperity depends to a great extent on the prosperity of the farmers of the State; and,

Whereas, Texas produces practically one third of the cotton produced in the United States, ninety per cent of which production is exported to foreign countries; and,

Whereas, The maintenance of the foreign markets affording a fair price for the cotton produced in this State is of vital concern to all of the people of Texas; and,

Whereas, Statistics show that from August 1, 1934 to March 1, 1935 the American cotton exports were two million, three hundred and twenty-one thousand (2,321,000) bales less than for the same period of time the year previous; and,

Whereas, Statistics show that American gin manufacturing companies, during the year of 1934, sold to foreign cotton growing countries more than five and one-half times as much gin machinery as in any previous year; and,

Whereas, It is of vital importance and much concern to all the people of Texas that stable and satisfactory markets be provided and maintained for all crops grown in the State of Texas; and,

Whereas, The gravity of the cotton export situation and the market with reference to other major crops in the State of Texas as to the production, control and marketing of the same is alarming to the cotton and grain growing States:

Be It Therefore Resolved, By the House of Representatives of the State of Texas, the Senate of Texas concurring, that the Speaker of the House of Representatives appoint five members of the House of Representatives to serve with a committee of five members of the Sen-

ate, appointed by the Lieutenant Governor of Texas, to make a study of the cotton growing and cotton marketing situation as well as the production, control and marketing of other major crops in the State of Texas affecting not only the State of Texas but the entire Southern States with the view of making recommendations to the Legislature of Texas and to the members of Congress from Texas, of any suggested plans and proposals that will remedy the existing conditions and that will be calculated to stabilize the production, control and marketing of said cotton and grain production, and also to study and make recommendations as to the feasibility of forming a cotton compact with all other cotton producing States in order that not only the State of Texas but the entire South may be well represented and considered in legislation passed by the Congress of the United States affecting the production of cotton and the production, control and marketing of the grain crops grown in the State of Texas, and also for said Committee appointed to study the feasibility of requesting the Legislature of all cotton producing States, and those producing grain crops similar to those produced in Texas, to name similar committees to meet with the Committee appointed herein in order to formulate similar plans for State legislation as well as National legislation affecting the production and sale of cotton and the production, control and marketing of major grain crops; and,

Be It Further Resolved, Said Committee shall have the power and authority to employ and compensate all necessary employees and it shall be the duty of said Committee to make and keep the records of its investigation; that said Committee shall begin and complete its investigation and study at the earliest practical moment, and shall submit a report in writing as soon as possible, and in no event later than the first day of October, 1935, or as soon thereafter as possible, that a copy of said report shall be filed with the Governor of the State of Texas, the President of the Senate, the Speaker of the House of Representatives, the Governor of each of the cotton growing States in the United States, and to the President of the United States,

the Vice-President, to the Speaker of the House of Representatives at Washington, and to each of the Congressmen from Texas.

Be It Further Resolved, That the compensation and expenses herein provided for incident to such investigation and study not to exceed Five Thousand Dollars shall be paid out of the appropriation for mileage and per diem and contingent expenses of the Forty-fourth Legislature, upon sworn account of persons entitled to such pay when approved by the chairman of said Committee, and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said Forty-fourth Legislature to meet the payment of expenses of the members of said Committee and all necessary employees and other expenses incident to said investigation.

On motion of Senator Redditt the Conference Committee Report on H. C. R. No. 50 was adopted by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.

Absent—Excused.

Fellbaum.	Sulak.
Moore.	

House Bill No. 257.

Senator Hornsby sent up the following conference committee report:

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives,
Hon. Walter F. Woodul, President of the Senate,

Sirs: We, your Conference Committee appointed to adjust the differences between the House and the Senate on House Bill No. 257, beg leave to report that we have con-

sidered the same and recommend that it do pass in the form as attached hereto.

Respectfully submitted,

HORNSBY,
POAGE,
WOODRUFF,
DeBERRY,

On the part of the Senate.

PADGETT,
FORD,
PAYNE,
STINSON,
ASH,

On the part of the House.

By Padgett, et al. H. B. No. 257.

A BILL

To Be Entitled

An Act declaring the policy of the Legislature to provide for the general welfare with reference to producers, distributors and processors of milk and milk products; defining certain terms used in the bill; providing for the submission of code or codes to the Milk Control Board by groups engaged in the milk industry in counties having a population in excess of seventy-seven thousand and seven hundred (77,700) and less than eighty thousand and seven hundred (80,700), according to the Federal Census last preceding the time when said submission is made from said counties for the setting up of a code, codes or agreements; authorizing local Milk Industry Boards in said counties after hearing to set up and promulgate a code, codes or agreements for fair competition for the milk industry; authorizing said Board to impose such conditions as are necessary to make the codes effective and to establish rules and regulations for their conduct; providing penalties for violation of such codes; providing jurisdiction for District Courts affecting the operation of the codes; directing County and District Attorneys to bring actions to enforce this Act; providing for the amending, modification or change of codes set up under this Act; providing for the publication by said Board of codes; authorizing the said Board to suspend or revoke certificates of authority; providing a penalty for violation of the Act; providing a fee for

the certificates of authority and making provisions for funds for the administration of this Act; making an appropriation of such funds for the enforcement of the Act; providing that if any section or provision of the Act should be declared unconstitutional such decision shall not affect other provisions or portions of this Act, provided that the provisions of this Act shall not alter, repeal, change, modify or in any way change the provisions of the Anti-trust Laws of the State of Texas as defined in Articles 1632 to 1635, inclusive, nor of the Texas Penal Code, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It is hereby declared to be the policy of the Legislature of Texas to provide for the general welfare in an emergency hereby declared to exist with reference to producers and distributors of milk and milk products to the end that disorganization of the dairy industry may be corrected and the value of this specialized agricultural commodity stabilized, such emergency being particularly acute in the larger centers of the State; to set up a code of fair practice as hereafter provided; and to eliminate unfair competition and practices in the production and distribution of milk and milk products.

Sec. 2. (a) The term "person" when used under this Act shall mean any individual, firm, copartnership, or corporation.

(b) The term "producer" shall mean any person regularly engaged in the production of fluid milk for sale.

(c) "Distributor" means any of the following persons engaged in the business of handling fluid milk:

(1) Pasteurizers, bottlers or other processors of fluid milk.

(2) Persons distributing fluid milk at wholesale or retail; to hotels, restaurants, stores, or other establishments for consumption on the premises; to stores or other establishments for resale; or to consumers irrespective of whether any such person is also a producer of milk.

(d) The term "processor" shall mean any person who receives or

buys milk or milk fats for the purpose of changing its nature or character by physical or chemical means into other forms, such as butter, cheese, ice cream, condensed milk, buttermilk, chocolate milk drinks, or other flavored milk, or converted into any other form.

(e) The term "fluid milk" when used under the provisions of this Act shall mean the fresh clean lacteal secretion obtained by the milking of one (1) or more healthy cows which secretion has not been soured nor been skimmed or separated; that it has not less than eight and one-half per cent ($8\frac{1}{2}\%$) of solids not fat, and not less than three and one-fourth per cent ($3\frac{1}{4}\%$) milk fat, nor been churned, nor evaporated or condensed, nor been reduced to powdered form, nor otherwise processed so as to materially change its original condition.

(f) The term "milk industry" when used in this Act shall mean producers, distributors and processors of milk and milk products as defined in this Act.

(g) The term "milk products" when used under this Act shall mean all products of fluid milk, such as sour and sweet cream, skimmed milk, butter, cheese, ice cream, condensed milk, evaporated milk, powdered milk, powdered skim milk, fluid milk, buttermilk, chocolate milk or other flavored milk.

(h) The term "commissioner" when used in this Act shall mean the Commissioner of Agriculture of the State of Texas.

(i) The term "board" when used in this Act shall mean the local Milk Industry Board of the county or counties concerned.

(j) The term "members" when used in this Act shall mean the members of the Milk Industry Board.

(k) The term "milk shed" shall include all producers and producer operators who now hold permits from the Health Department to sell milk in any area or areas affected by this Act, said area or areas to be in counties having a population in excess of seventy-seven thousand and seven hundred (77,700) and less than eighty thousand and seven hundred (80,700).

(l) The term "production area" means that area defined by the milk industry Board.

(m) The term "due notice" shall mean the mailing of a notice to all of the parties affected, or in lieu thereof, of any advertisement published in a daily newspaper, or in the event there is no daily newspaper then in any other publication of regular issue, said publication to be published in the territory affected, said advertisement shall be a display advertisement and shall be of a size at least two columns by six inches. Said notice shall be mailed or shall be published at least fifteen (15) days previous to the time of the hearing and it shall contain information as to the time and place of the hearing, and shall state where a copy of the code or a contemplated change in an existing code may be secured.

(n) A "retail outlet" shall be a person who handles milk and/or milk products for a resale to people who customarily do not consume them on the premises where sold.

Sec. 3. Any representative group engaged in the milk industry, in any county having a population in excess of seventy-seven thousand and seven hundred (77,700) and less than eighty thousand and seven hundred (80,700), according to the Federal Census last preceding the time when in said county attempt is made to exercise the provisions of this Act, may submit to the Board hereinafter authorized a code or agreement of fair competition and trade practices. In each county of the above mentioned class, a local Milk Industry Board of five (5) members shall be elected as follows: Two (2) members of the Board shall be elected by and from the contracting producers; two (2) by and from the contracting distributors; and the fifth member, to represent the consumers, shall be appointed by the County Judge of the county concerned. Such fifth member shall be a resident of the sales area and shall have no connection, financially or otherwise, with the distribution of milk or products derived therefrom. The term of office of each member shall be two (2) years from date of certificate of approval by Commissioner.

Members representing the contracting producers and contracting distributors, respectively, shall be elected by the respective parties in a manner to be determined by them-

selves, provided that a vote of producers representing not less than seventy per cent (70%) of the total volume of milk produced within the production area, for distribution as fluid milk during the calendar month next preceding such election which volume percentage of production shall include seventy per cent (70%) of producers by number and a vote of distributors representing not less than seventy per cent (70%) of the total volume of fluid milk distributed as fluid milk during the calendar month next preceding such election which volume percentage of distribution shall include seventy per cent (70%) of the distributors by number, respectively, shall be necessary for such election. Upon election the names of all the members shall be certified by the party or parties conducting such election to the Commissioner for his approval. The Commissioner may require that such certification include a statement of the manner and vote by which the respective members were elected and the percentage of the total production, or sales of fluid milk within the area represented by such vote. Members whose names have been certified to the Commissioner and approved by him shall immediately enter upon the discharge of their duties. The certificate of the Commissioner approving such member shall be prima facie evidence that such member has been elected by the required number and percentage of the total volume of milk of the group from which he was elected. If the Commissioner shall not approve a member, there shall be a vacancy on the Milk Industry Board. Any member may be removed with or without cause, by vote of all producers or distributors, as the case may be, representing a volume of milk equal to at least three-fourths of the volume and number by which he was originally elected. Any vacancies on the Milk Board shall be filled in the same manner and by the same parties as provided for the original election.

The Milk Industry Board shall be organized by the members by the selection of a Chairman, Vice-Chairman, who shall be a member, and a Secretary-Treasurer who may or may not be a member. The Milk Industry Board shall employ such agents, assistants and clerks as may be necessary to perform its duties.

All officers and employees of the Milk Industry Board who handle funds of the Milk Industry Board or who sign or countersign checks upon such funds shall severally give bonds in such amounts and with such sureties as shall be determined by the Milk Industry Board. The cost of such bonds shall be paid by the Milk Board.

The members shall serve without compensation, but shall be entitled to reimbursement for the expenses incurred in the performance of their duties.

Said Board shall provide for due notice to the parties interested and for a hearing on the proposed code and/or agreement, said Board shall make such changes and modifications, if any, in such proposed code as in its discretion will tend to effectuate the policies herein declared. Any proposed code and/or agreement that receives the approval on matters affecting the distributors of fifty-one per cent (51%) of their number and sixty per cent (60%) of their volume sold in the milk shed or trade territory affected, and affecting producers of fifty-one per cent (51%) of their number and sixty per cent (60%) of their volume represented in the milk shed affected, shall become a duly constituted code upon receiving the approval of the Board. The Board shall not approve a code or an agreement unless said code contains ample protection for consumers, and competitors, and tends to effectuate the policies herein declared. Every distributor, every processor, and every retail outlet for milk or milk products, as defined in this Act, shall apply to the Board for a certificate of authority following the approval of a code and/or agreement to engage in such milk industry in the territory affected, and no distributor or processor or retail outlet after the effective date of said code, codes or agreements shall engage in or carry on any Milk Industry in any area where such code, codes or agreements are in effect without such certificate of authority. Every person required to procure a certificate of authority shall pay the Board One Dollar (\$1) for each certificate issued, said certificate to be valid for a period of one (1) year from date issued, unless revoked sooner as herein provided.

Sec. 4. After the Board shall

have approved such code, codes, or agreements, the provisions thereof shall be the standard of fair competition for such milk industry within the area defined in such code, codes, or agreements, and any violation of such standards in any transaction in or affecting the milk industry in such area shall be deemed to be an unfair method of competition within the meaning of this Act.

Sec. 5. Any District Court in the State of Texas having jurisdiction over the territory or any portion thereof where such code, codes, or agreements are made effective is hereby invested with jurisdiction, and it is hereby made the duty of said Courts to prevent and restrain violations of any such code, codes, or agreements of fair competition approved under this Act by the Board and/or any provision of this Act, and it shall not be necessary in such suit for the plaintiff to allege and prove that such plaintiff will suffer irreparable injury, or any damage; nor that it does not have adequate and complete remedy at law. It shall be the duty of the several District Attorneys authorized to act in said localities to institute, under the direction of the Board, proceedings in equity to restrain such violations.

Sec. 6. Any code, codes, or agreements approved by the Board under the authority of this Act may be amended, changed, enlarged, modified or suspended upon the Board's own motion with the approval on matters affecting distribution of fifty one (51) per cent of the distributors affected in numbers and sixty (60) per cent of the volume of the distributors affected and upon the approval on matters affecting production of fifty-one (51) per cent of the producers affected and sixty (60) per cent of the volume affected, or upon the application and approval on matters affecting distribution of fifty-one (51) per cent of the distributors affected in numbers and sixty (60) per cent of the volume of the distributors affected, and/or matters affecting production of fifty-one (51) per cent of the producers affected and sixty (60) per cent of the volume affected. The Board must provide for due notice and public hearing of contemplated changes.

Sec. 7. The Board may suspend or revoke such certificate of authority after due notice and opportunity for hearing for violation of the terms and provisions of any code adopted and approved under the authority of this Act, provided affected party has been afforded not less than thirty (30) days notice for such hearing.

(b) Any distributor or processor or retail outlet who without such certificate of authority carries on any transaction in the areas defined herein in the handling of milk or milk products for which a certificate of authority is so required shall upon conviction thereof be fined not to exceed Two Hundred Dollars (\$200) and each day such violation continues shall be deemed a separate offense.

(c) Any officer, agent or servant of any corporation or firm violating any provision of this Act shall be individually and personally subject to the punishment provided for in Section 7, subsection (b) of this Act whenever any such officer, agent or servant has knowledge of such violation by the corporation or firm at the time same was committed and where it was at the time of such violation within the power of such officer, agent or servant to prevent same.

Sec. 8. Any code, codes, or agreements authorized hereunder shall provide for and have authority and power to provide for the necessary funds for the administration thereof. These funds shall include a sum not to exceed five (5) cents per one hundred (100) pounds of milk, or its equivalent, which shall, with all other fees for the certificate of authority, filing of codes or agreements, be paid into the Milk Industry Board, to be used for the expenses in the administration of their duties. These funds shall be based on the milk sold as fluid and shall be paid by distributors for each calendar month within fifteen (15) days following the last of each month, direct to the Milk Industry Board.

Sec. 9. If any section or provision of this Act shall be declared unconstitutional or invalid for any reason, such decision shall not affect any other provision or portion of this Act, and such other provision or provisions shall remain in full force and

effect. Provided that the provisions of this Act shall not alter, repeal, change, modify or in any way change the provisions of the Anti-trust laws of the State of Texas as defined in Articles 1632 to 1635, inclusive, nor of the Texas Penal Code which expressly prohibits "two or more persons from fixing, maintaining, increasing, or reducing the prices of merchandise, produce, or commodities."

Sec. 10. All Acts of any such Board shall be prima facie valid.

Sec. 11. The importance of the matters covered by this Act, the emergency declared to be existing and the necessity for affording and supplying a constant and sufficient quantity of properly prepared and sanitarily protected supply of fluid milk for the people of Texas and particularly the people in the more congested populated centers, and the fact that there is now no adequate law regulating matters provided for herein, and the further fact that neither the Agricultural Adjustment Act nor the National Industrial Recovery Act of the Federal Government applies to milk moving in intrastate commerce in the State of Texas, create such an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house should be suspended, and the said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee report was adopted on motion of Senator Hornsby by the following vote:

Yeas—23.

Beck.	Poage.
Blackert.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Pace.	

Nays—4.

Burns.	DeBerry.
Collie.	Hill.

Present—Not Voting.
Oneal.

Absent—Excused.

Fellbaum. Sulak.
Moore.

House Bill No. 424.

Senator Redditt sent up the following conference committee report:

Committee Room,
Austin, Texas, April 15, 1935.
Hon. Ken M. Regan, President Pro
Tem. of the Senate,
and
Hon. Coke R. Stevenson, Speaker of
the House of Representatives.

Sirs: We, your Conference Committee, to whom was referred House Bill No. 424, a bill to provide for the purchase of law books out of the court receipts of the Courts of Civil Appeals of this State, to adjust the difference between the House and the Senate on said bill, have had the same under consideration and beg leave to recommend the adoption of the following substitute bill:

Respectfully submitted,

REDDITT,
PACE
MOORE,
HOPKINS,

On part of the Senate.

LEONARD,
NEWTON,
BURTON,
MORRIS,
HUDDLESTON,

On part of the House.

By Leonard. H. B. No. 424.

A BILL

To Be Entitled

An Act to amend Chapter 98, of the General Laws of the State of Texas, as passed by the Regular Session of the 41st Legislature, by adding thereto Section 1-a, so as to provide for the purchase of a part of the law books for the Courts of Civil Appeals out of the Court fees collected by said Courts, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 98, of the General Laws passed by the 41st Legislature, at its Regular Session, be amended by adding Section 1-a, as follows:

"Section 1-a. The Clerks of the Courts of Civil Appeals shall be and are hereby authorized to purchase additional law books for the use of said Courts out of the fees collected by said Courts; such expenditures shall not exceed annually the specific amounts of such fees additionally authorized for such purpose in the General Appropriation Acts of the Legislature made biennially for the support and maintenance of the Judiciary Department of the State Government. Provided, however, that all such fees collected by any clerk or other officer of any Court of Civil Appeals within this State shall be deposited in the State Treasury to the credit of the court so collecting and depositing same, and the expenditures out of said fund for the foregoing purposes shall be upon a warrant drawn upon the State Treasury by the State Comptroller, as may be provided for in the General Appropriation Bill for the Judiciary of this State."

Sec. 2. The fact that the Courts of Civil Appeals were authorized several years ago to use a portion of the Court fees collected to supplement the regular appropriated salaries of the clerks, deputy clerks, and stenographers, and no provision was then made for these Courts to use a part of these fees for the purchase of additional law books, and the further fact that recent appropriations have been inadequate properly to maintain their libraries, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and that this Act shall take effect and be in force from and after its passage, and said Rule is hereby suspended, and it is so enacted.

The conference committee report on H. B. No. 424 was adopted by the following vote:

Yeas—28.

Beck.
Blackert.
Burns.
Collie.
Cotten.
Davis.
DeBerry.
Duggan.

Hill.
Holbrook.
Hopkins.
Hornsby.
Isbell.
Martin.
Neal.
Oneal.

Pace.	Shivers.
Poage.	Small.
Rawlings.	Stone.
Redditt.	Van Zandt.
Regan.	Westerfeld.
Sanderford.	Woodruff.

Absent—Excused.

Fellbaum.	Sulak.
Moore.	

Bill and Resolutions Signed.

The Chair, President Pro Tem. K. M. Regan, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bill and resolutions:

H. B. No. 685. H. C. R. No. 83.
H. C. R. No. 81.

Bills Signed.

The Chair, Senator Rawlings, Acting President Pro Tem., gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 831. S. B. No. 462.
S. B. No. 48. S. B. No. 248.

Senator Excused.

Senator Moore was excused on account of important business on motion of Senator Pace.

Messages from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, April 18, 1935.
Hon. Frank Rawlings, President Pro Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has reconsidered the vote by which the Conference Committee report on S. B. No. 361 was adopted, by a viva voce vote; and referred the report to the same Conference Committee for further consideration.

The House has adopted the Conference Committee report on S. B. No. 361 by a vote of 126 yeas, 4 nays.

The House has concurred in Senate amendments to H. B. No. 392 by a vote of 120 yeas, 0 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY.

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 18, 1935.

Hon. Frank Rawlings, President Pro Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 48, A bill to be entitled "An Act to amend Sections 2, 5, and 7 of Chapter 96 of the Acts of the Regular Session of the Forty-second Legislature so as to include agents of fidelity and surety companies in the definitions contained in said Act and to make the same apply to such agents and so as to redefine the term "solicitor" as used in said Act and prescribing a solicitor's qualifications and so as to prohibit the licensing of an individual or firm to engage in the insurance business principally to handle business which he controls only through ownership, mortgage, or sale; and declaring an emergency."

S. B. No. 248, A bill to be entitled "An Act creating the Special Ninth District Court of Montgomery County, Waller County, Polk County, and San Jacinto County, Texas, prescribing its jurisdiction, limiting its existence, fixing its terms; providing for the appointment of a judge thereof, fixing his compensation, making an appropriation for the same, prescribing his powers and duties; providing for the transfer of cases from the Ninth Judicial District Court to said Special Ninth District Court and from said Special Ninth District Court to the Court of the Ninth Judicial District; providing for the appointment of an assistant district attorney to prosecute cases in said court, making an appropriation for his salary; providing for the district clerks of Montgomery County, Waller County, Polk County, and San Jacinto County and their successors in office to be the clerks for the said Special Ninth District Court in their respective counties; providing a seal for said Special Ninth District Court; repealing all laws or parts of laws in conflict herewith; providing that if any section of this Act be held unconstitutional or invalid for any reason, the same shall not impair or affect the remaining sections or provisions, and declaring an emergency."

S. B. No. 462, A bill to be entitled "An Act providing that it shall be unlawful for any person, firm or corporation to sell or to offer for sale, within the State of Texas, any

goods, wares and/or merchandise manufactured, wholly or in part, by convicts or prisoners in penal and/or reformatory institutions except convicts or prisoners on parole or probation, providing exemptions, and providing penalties; and declaring an emergency."

S. B. No. 498, A bill to be entitled "An Act prohibiting the taking, removing and carrying away of sand, marl, shell, gravel, or other material from land located between any seawall and waters edge or from any beach or shore line within this State within three hundred feet of the mean low tide line and within one-half mile of the end of any seawall for any purpose other than that necessary or incident to navigation or dredging under State or Federal authority; fixing a penalty for any violation of the provisions of this Act; providing that if any part of this Act be declared unconstitutional, it shall not affect any remaining part, and declaring an emergency."

(With amendments.)

H. B. No. 85, A bill to be entitled "An Act to amend Article 1650 of the Revised Civil Statutes of Texas of 1925 with respect to the authority of the county auditor to appoint assistants; providing for oath and bond of assistants; providing for an application by the county auditor to the district judges having jurisdiction, setting forth number, qualifications, duties and compensation of such assistants; providing for approval and certification of such appointments to the commissioners court by the district judges having jurisdiction, etc., and declaring an emergency."

H. B. No. 203, A bill to be entitled "An Act to validate all proceedings and acts of governing bodies of cities containing a population of not more than 11,000 nor less than 10,500, according to any Federal Census, in connection with the issuance of funding warrants and funding bonds heretofore authorized or attempted to be authorized under the provisions of Chapter 163, Acts Forty-second Legislature, Regular Session, and declaring an emergency."

H. B. No. 228, A bill to be entitled "An Act providing for the payment of the salary of the ex-officio superintendent of public instruction in all counties having not less than 6,800 and not more than 6,900 population, according to the last preceding Federal Census, from the county available school fund; repealing all laws

and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 270, A bill to be entitled "An Act to amend Article 1659, Chapter 6, Title 19, of the Revised Criminal Statutes of the State of Texas, 1925, relating to separate coaches for the accommodation of white and negro passengers so as to include commercial motor vehicles within the terms of the Act, and declaring an emergency."

H. B. No. 271, A bill to be entitled "An Act providing for any person or association of persons shall have the right to sell farm products or produce raised upon property controlled by any person or association of persons from house to house in any city in this State (Texas), fixing a penalty, and declaring an emergency."

H. B. No. 328, A bill to be entitled "An Act to amend Chapter 116, General Laws, Forty-third Legislature, Regular Session, 1933, the same being House Bill No. 122, printed at page 288, General Laws of the State of Texas, passed by the Forty-third Legislature at the Regular Session, 1933, and declaring an emergency."

H. B. No. 348, A bill to be entitled "An Act to regulate the quality of milk sold, or offered or exposed for sale, to prevent the sale of any milk from which anything has been extracted or to which anything has been added, except butterfat, and to prescribe a minimum butterfat content for milk which is herein defined; to provide that containers for milk shall truthfully state the minimum butterfat content, etc., and declaring an emergency."

H. B. No. 373, A bill to be entitled "An Act to amend Section 6 of House Bill No. 303, Chapter 245, page 856, of the Acts of the Regular Session of the Forty-third Legislature to provide for an adequate and efficient method of examining statewide mutual assessment insurance associations and companies qualifying and/or operating under the above chapter, and providing for the examination of said companies and associations every two years or oftener, if deemed advisable, etc., and declaring an emergency."

H. B. No. 374, A bill to be entitled "An Act amending Title 17, Chapter 6, of the Penal Code of Texas, by adding thereto an article to be known as Article 1404a, defining attempted burglary of a vessel, steamboat, or railroad car, making attempted burglary of a vessel, steamboat, or rail-

road car a penal offense, and providing the punishment for said offense."

H. B. No. 380, A bill to be entitled "An Act making an appropriation to pay judgments of the district and county courts; refunding to the heirs, devisees, legatees, or legal representatives of deceased persons, whose estates have escheated to the State, such sums of money belonging to such escheated estates as have been paid into the Public Treasury; authorizing the payment of such claims on the taking effect of this Act, and filing with the Comptroller of a copy of the order of the court under seal of the court, and declaring an emergency."

H. B. No. 381, A bill to be entitled "An Act to permit and authorize the Fort Worth National Bank of Fort Worth, Texas, to bring and prosecute an action against the State of Texas on certain contracts; fixing the time within which the same may be brought; fixing the venue thereof in Travis County, Texas; providing that any judgment recovered be paid from the State Highway Fund; providing for service of citation, and declaring an emergency."

H. B. No. 471, A bill to be entitled "An Act amending Article 195, Chapter 2, Title 4, Code of Criminal Procedure of Texas, 1925, and declaring an emergency."

H. B. No. 472, A bill to be entitled "An Act to authorize the State Highway Commission of Texas to provide for the removal of bridges obstructing the construction of the Intra-coastal Waterway of Louisiana and Texas, and to replace same out of any funds available for that purpose, and declaring an emergency."

H. B. No. 492, A bill to be entitled "An Act to amend Section 75 of Article 2696 of the Revised Statutes of Texas, relating to the transfers of children from an independent school district or other school districts in any county, to some other independent district or other district in the same county, and providing that the per capita apportionment shall be paid by the State Treasurer to the independent school district to which the child is transferred, or to the county superintendent in all other districts, to be distributed by said county superintendent, and providing for an appeal from the acts of the county superintendent to the county board of trustees in all cases when an independent or other district shall be dissatisfied with the action of the

county superintendent in the transfers made by said county superintendent."

H. B. No. 502, A bill to be entitled "An Act amending Section 3 of Senate Bill No. 247, Chapter 158, page 400, Acts of the Regular Session of the Forty-third Legislature, 1933; empowering the Rehabilitation Division of the State Department of Education to take census, make surveys, and establish permanent records of crippled children, and to cooperate with the Department of Education in providing equipment for and instruction of same; authorizing such division to organize and supervise diagnostic clinics and to approve and select physicians, etc., and declaring an emergency."

H. B. No. 536, A bill to be entitled "An Act to amend Article 5675 of Title 93 of the Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 642, A bill to be entitled "An Act to amend Article 3430 of the Revised Civil Statutes of Texas, 1925, so as to provide that in addition to the other powers of executors or administrators they shall have the power, upon the proper order of the court, to compromise or pay secured claims which have been allowed and approved as required by law against the estate by conveying the real estate securing the payment of the claim to the holder thereof in full payment, liquidation, and satisfaction of such claim, and the cancellation of any and all notes, deeds of trust, mortgages, or other liens evidencing or securing the payment of such claim, and declaring an emergency."

H. B. No. 643, A bill to be entitled "An Act to amend Article 3576 of the Revised Civil Statutes of Texas, 1925, as amended by Acts of 1929, Forty-first Legislature, page 63, Chapter 29, Section 2, by adding thereto a provision that where the sale of real estate is made to the owner or holder of a secured claim in full payment, liquidation, and satisfaction thereof no bond shall be required except for the amount of cash actually received by such executor or administrator in excess of the amount necessary to pay, liquidate, and satisfy such claim in full, and declaring an emergency."

H. B. No. 817, A bill to be entitled "An Act providing for the acquisition of lands for State Forests by Board of Directors of A. & M. College; vesting authority in such Board of Di-

rectors to so acquire lands for such purpose and prescribing means of acquisition and terms and manner of payment therefor, and the management, development, and use thereof, etc., and declaring an emergency."

H. B. No. 827, A bill to be entitled "An Act amending Article 2789 by adding Section "a" thereto authorizing the issuance of refunding bonds and warrants to refund any legal outstanding maintenance obligations of independent school districts and consolidated school independent districts by cancelling evidence thereof and issuing to the holders or creditors notes, bonds, or warrants, with or without coupons, bearing interest payable annually, and declaring an emergency."

H. B. No. 89, A bill to be entitled "An Act amending subsections (2) and (4) of Section 1; repealing subsection (3) of Section 2; amending subsection (2) of Section 2; amending Section 3; amending Section 5; and amending Sections 8 and 9, of House Bill No. 154, Chapter 162, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 12, House Bill No. 55, Acts of the First Called Session of the Forty-third Legislature, and declaring and emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bills Referred.

H. B. No. 827, was referred to the Committee on Educational Affairs.

H. B. No. 817, was referred to the Committee on Public Lands.

H. B. No. 643, was referred to the Committee on Civil Jurisprudence.

H. B. No. 642, was referred to the Committee on Civil Jurisprudence.

H. B. No. 536, was referred to the Committee on Civil Jurisprudence.

H. B. No. 502, was referred to the Committee on Educational Affairs.

H. B. No. 492, was referred to the Committee on Educational Affairs.

H. B. No. 472, was referred to the Committee on Highways and Motor Traffic.

H. B. No. 471, was referred to the Committee on Criminal Jurisprudence.

H. B. No. 381, was referred to the Committee on State Affairs.

H. B. No. 380, was referred to the Committee on Finance.

H. B. No. 374, was referred to the Committee on Criminal Jurisprudence.

H. B. No. 373, was referred to the Committee on Insurance.

H. B. No. 348, was referred to the Committee on Agriculture.

H. B. No. 328, was referred to the Committee on State Affairs.

H. B. No. 85, was referred to the Committee on State Affairs.

H. B. No. 203, was referred to the Committee on Civil Jurisprudence.

H. B. No. 228, was referred to the Committee on Educational Affairs.

H. B. No. 270, was referred to the Committee on Highways and Motor Traffic.

H. B. No. 271, was referred to the Committee on Agriculture.

H. B. No. 89, was referred to the Committee on State Affairs.

Senate Resolution No. 80.

Senator Collie received unanimous consent to send up the following resolution:

Whereas, on this day the term and services of the Hon. W. R. Ely as a member of the Highway Commission expire; and

Whereas, in recognition of his outstanding and unselfish dedication of more than eight years of time and energies to the progress and advancement of the material wealth and well being of the State of Texas, this testimonial in appreciation thereof, is dedicated.

Judge Ely came to Texas in his early childhood. Kentucky, which has furnished to our State and the Nation many great and honored names, gave him birth. He has lived in West Texas since 1893. After completing his school work in North Texas Normal, he was admitted to the bar in 1903, and has been honored by appointment and election to public office by the people of his home county and district for many years. He first served as county attorney in Callahan County for four years, followed by three successive terms as County Judge.

In 1919, he was appointed District Judge of the 42nd Judicial District by Governor Hobby, and was re-elected for a second and third term. February 1, 1927, he was called to higher public service by Governor Dan Moody and resigned as District Judge to accept the appointment of State Highway Commissioner. For more than eight years he served as a commissioner, two and a half years of which he was Chairman. He holds membership on the Inter-American Highway Commission.

Judge Ely leaves the Highway Commission, as he did the Bench, not without reluctance and regret of the people. They realize the power and great opportunity for service the position gave him and how well he discharged the responsibilities. No man serving on the Commission has made a more enviable reputation or served more faithfully.

Judge Ely brought to the Commission every quality needed. His knowledge of road construction, experience in all its phases, the ability to think correctly, his self-control, inflexible integrity, capacity for hard and sustained application to duty, good habits of living, courage, fidelity, and love of his work made him a servant indeed worthy in this particular field, or in any other public service.

Since he has been a member of the Commission there has been a total of 16,576 miles of highway completed and active, and an expenditure of more than two hundred millions of dollars has been made. Judge Ely's keen business judgment and foresight has had a large part in lifting Texas out of the mud, and his progressive policies have resulted in connected hard-surfaced highways everywhere.

As a testimonial of our esteem and appreciation of his public service this resolution is presented and adopted by the Senate of the State of Texas, and

It is therefore resolved

(1) That in the retirement of Honorable W. R. Ely the State loses an able and distinguished Commissioner.

(2) The Senate holds in affectionate remembrance and regard his virtues as a man, his long and outstanding career as a judge and highway commissioner, and the wholesome impression and respect held for

him and his associates on the Commission by the people of Texas.

COLLIE,
PACE,
WOODRUFF,
REDDITT,
POAGE,
STONE,
SHIVERS,
ONEAL,
DeBERRY.

Read and adopted unanimously.

House Bill No. 883.

Senator Holbrook received unanimous consent to take up out of regular order a local bill:

The Chair laid before the Senate the following bill:

By Mr. Moore:

H. B. No. 883, A bill to be entitled "An Act amending Article 965, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 883 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.

Absent—Excused.

Fellbaum.	Sulak.
Moore.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.

Absent—Excused.

Fellbaum.	Sulak.
Moore.	

Motion to Recess.

Senator Pace, at 5:50 o'clock p. m., moved that the Senate recess until 10:00 o'clock a. m. Friday.

Motion pending.

House Bill No. 356.

Senator Beck received unanimous consent to suspend the regular order of business and take up out of order H. B. No. 356.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Reader:

H. B. No. 356, A bill to be entitled "An Act amending Sections 3, 14, and 16, of the F. C. C. S. S. B. No. 49, Chapter 107, Acts of the Regular Session, Forty-first Legislature, 1929, relating to the salary of the Board of Pharmacy, providing renewal fees for licenses and prohibiting the use of the word "Pharmacy" where no registered pharmacist is employed, and fixing penalties, and declaring an emergency."

(With committee amendments.)

Amend Committee Substitute No. 1 to H. B. No. 356, Section 3, line 28, by striking out the words and figures "twenty (\$20.00)" and inserting in lieu thereof the words and figures "ten (\$10.00)."

BECK.

Read and adopted.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendments were adopted.

The bill was read second time, as amended, and passed to third reading.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 356 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.

Absent—Excused.

Fellbaum.	Sulak.
Moore.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.

Absent—Excused.

Fellbaum.	Sulak.
Moore.	

House Bill No. 750.

Senator Shivers received unanimous consent to suspend the regular order and take up out of order H. B. No. 750:

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 750, A bill to be entitled "An Act amending Article 4000, Ti-

Article 65, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, by adding thereto a provision excepting farm products when offered for sale by the producer, from the operation of the article, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Shivers, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 750 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.

Absent—Excused.

Fellbaum.	Sulak.
Moore.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

Nays—1.

DeBerry.

Absent—Excused.

Fellbaum.	Moore.
Isbell.	Sulak.

Statement

On Friday, April 5th, due to an unexpected and unavoidable absence, I was not able to vote on the motion to concur in the House amendments to S. J. R. No. 24. Being in hearty accord with said resolution and desiring to see it submitted to the people, I make this statement to show that had I been present when the Senate concurred in the House amendments I would have voted to concur.

This statement is made to effectuate my record in favor of this resolution.

HOPKINS.

Recess.

The motion to recess prevailed at six p. m. by viva voce vote.

APPENDIX.

Petitions and Memorials.

Congress of the United States
House of Representatives
Washington, D. C.

April 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

Hon. Bob Barker, Secretary of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives,
Mrs. Louise Snow Phinney, Chief Clerk of the House of Representatives.

Austin, Texas.

Gentlemen: I have received certified copy of Senate Concurrent Resolution No. 35 adopted by both branches of the Legislature of the State of Texas in the month of April, and have read and considered it with care in interest.

At the time of its adoption by the State Convention I heartily approved the plank quoted in your resolution, in the following words:

"We oppose the abdication or surrender of the State's power to control the production of its natural resources. We likewise oppose any Federal encroachment upon the exclusive power of this State to control the production of oil and gas.

We oppose any plan that results in the arbitrary compulsory unitization of oil fields."

And I equally approve the application the Legislature has made of that plank in its S. C. R. No. 35.

Indeed, at the last session of the Congress, I gave unstintedly of my time and energy and political standing in the Congress to defeat the Ickes-Thomas-Disney Oil Control bill, by presenting my views to the individual members of the Interstate and Foreign Commerce Committee and others, by making an argument in open hearing before that Committee against that bill, and by a speech against it in the House of Representatives. I gave my support by speech and vote for the creation of the Cole sub-committee to investigate the oil producing industry, and kept in contact with that committee while in Texas, openly taking the side that we must not have Federal control of our oil or any other natural resources. Upon the assembling of the Seventy-fourth Congress, I openly supported and voted for the Connally bill as somewhat amended by the House. That bill limited the power of the Federal government to the regulation of interstate shipments of oil under the Interstate Commerce clause of the constitution. Thus we achieved a proper victory and established a proper relation. Further than that we should not go.

In my judgment Texas people should make and enforce their own laws of conservation to suit her own people; and there should not be made a new Eighteenth Amendment, in effect, to apply to oil as the Eighteenth Amendment did to beer and liquor, for the benefit of the racketeers.

Thus, as you will see, I am in sympathy with your Resolution, and I approve it, and I expect to be governed in my future votes as in the past by the sound principles the platform and your resolution enunciate.

With highest considerations,

Sincerely yours,

JHE/AM

JOE H. EAGLE.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Walter F. Woodul, President of the Senate,

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 462 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Walter F. Woodul, President of the Senate,

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 248 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Walter F. Woodul, President of the Senate,

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 48 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Frank Rawlings, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 509, A bill to be entitled "An Act to Amend Article 8197b, Chapter 8, Title 128, of the Revised Civil Statutes of the State of Texas, as amended by Acts of the Forty-First Legislature, Fourth Called Session, page 71, chapter 34, relating to the issuance of refunding bonds by any district that may have availed itself of the provisions of Article 8195 and become a Conservation and Reclamation District, and repealing all laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Frank H. Rawlings, President Pro Tem. of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 750, A bill to be entitled "An Act amending Article 4000, Title

65, of the Revised Civil Statutes of the State of Texas, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Frank H. Rawlings, President Pro Tem. of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 784, A bill to be entitled "An Act amending Article 6885, Revised Civil Statutes of Texas, of 1925, et seq., by limiting the duties of each constable in counties having a population of three hundred and fifty thousand or more, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Frank H. Rawlings, President Pro Tem. of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 635, A bill to be entitled "An Act validating, ratifying, approving and confirming bonds and other instruments or obligations heretofore issued by water control and improvement districts, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendments, and be not printed.

SMALL, Chairman.

Committee Amendment No. 1.

Amend H. B. 635 by striking out all of subsection (a) Section 2 and adding the following:

"The term 'public body' means any county within the State of Texas."

Committee Amendment No. 2.

Amend H. B. 635 by striking out all of Section 4 and adding in lieu thereof the following:

"The fact that many counties have heretofore authorized the issuance of special obligations payable out of special funds and in some instances by inadvertence or oversight, the requirements of the law have not been fully complied with, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage and approval, and it is so enacted."

Committee Amendment No. 3.

Amend the caption of H. B. 635 to conform to the foregoing amendments.

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred H. C. R. No. 78,

"Resolved by the House of Representatives, the Senate concurring, that the Chairman of the Civilian Conservation Corps is hereby urgently requested to place upon and along the Trinity River CCC Camps for the purpose of removing the drifts and obstructions to the flow of water, that timber skirting upon and shading the bed of the stream be cut and removed so that the unhampered rays of the sun will not be hindered from playing upon the waters of this stream; and be it further

"Resolved, that copies of this resolution be forwarded to our representatives in the National Congress, and that a copy be furnished Honorable E. O. Siecke, Professor of Soil Erosion of A. & M. College at Bryan, Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Vice Chairman.

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Agri-

cultural Affairs, to whom was referred H. C. R. No. 65,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

DeBERRY, Chairman.

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Frank H. Rawlings, President Pro Tem, of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 508, A bill to be entitled "An Act to amend Article 3810 of the Revised Civil Statutes relating to the sales of real estate under deeds of trust; requiring notice of such sales to be sent by registered mail to all persons having liens of record against the land to be foreclosed and providing that an affidavit made by the party sending a notice by mail shall be subject to registration and when recorded shall be prima facie evidence that the notice was sent, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Frank Rawlings, President Pro Tem, of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 381, A bill to be entitled "An Act to permit and authorize the Fort Worth National Bank of Fort Worth, Texas, to bring and prosecute an action against the State of Texas on certain contracts; fixing the time within which the same may be brought; fixing the venue thereof in Travis County, Texas; providing that any judgment recovered be paid from the State Highway Fund; providing for service of citation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 18, 1935.

Hon. K. M. Regan, President Pro Tem, of the Senate.

Sir: We, your Committee on Town and City Corporations, to whom was referred

H. B. No. 883, A bill to be entitled "An Act amending Article 965, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Frank H. Rawlings, President Pro Tem, of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 70, A bill to be entitled "An Act amending Article 2956, by adding thereto another section, Article 2956-A, providing that persons who are feeble, ill and confined in bed or confined to their places of abode by reason of illness, may vote as absentees may vote under Article 2956; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman

Minutes of Committee Meetings.

Minutes of the Committee on Agriculture Held April 17, 1935—Called Meeting.

Present: DeBerry, Sulak, Small, Poage, Beck, Duggan, Stone, Neal, Hill.

Absent—excused: Van Zandt.

H. B. No. 141, was referred to a subcommittee with committee amendment of: Beck, Poage, and Stone.

H. C. R. No. 65, was reported favorably with recommendation that it do not be printed.

DICK DeBERRY, Secretary.

Minutes of Committee on Civil Jurisprudence, Held April 18, 1935—Called Meeting.

Present: Small, Davis, Hill,

Hornsby, Oneal, Rawlings, Redditt, Shivers, Van Zandt.

Absent—excused: Blackert, Colle, Fellbaum, Hopkins, Moore, Westerfeld.

S. B. No. 488, was reported favorably by viva voce vote.

S. B. No. 489, was reported favorably by viva voce vote.

H. B. No. 589, was reported favorably by viva voce vote.

S. B. No. 505, was reported favorably by viva voce vote.

H. B. No. 750, was reported favorably by viva voce vote.

H. B. No. 784, was reported favorably by viva voce vote.

H. B. No. 635, was reported favorably, with committee amendments, by viva voce vote.

House Bills Nos. 531, 532, 533, 534, 535, 537, 538, 539, 540, 541, 542, 646, 647, 648, 649, 650, 651, 652, 653, 654 were referred to a subcommittee (Moore, Shivers, Hornsby).

HERMAN B. HILL, JR.,
Secretary.

In Memory
of
Dr. George E. Bethel

Senate Resolution No. 79.

Whereas, the Senate of Texas has learned with profound sorrow of the untimely death of Doctor George E. Bethel, Dean of the Medical Department of the University of Texas; which occurred at John Sealy Hospital in Galveston last evening, and

Whereas, in the passing of Doctor Bethel, we feel that one of our best loved and most distinguished citizens has quit this life leaving behind him a record of enduring service.

Doctor Bethel was born at Garland, Texas, forty-one years ago. After attending the local schools there as a boy, he completed his education at the University of Texas. He received his M. D. Degree at the Medical Department in Galveston and after his internship at St. Mary's Infirmary, he was attached to the medical staff of Philadelphia General Hospital for a period of two successful years and then returned to Galveston, where he served as dean until death called him hence.

During the days when he was a student at the Medical College, preparing for his noble profession, he was a frequent visitor at the writer's home; and often spent his evenings there in company with two of his classmates through hours of deep meditation. He possessed one of the most charming personalities of any young man I ever knew. His was a sedate and well poised mind at the very beginning of his career, and while given to seriousness in all things required to the making of a strong manhood, there was enough of jovialness about him to lighten the heart of any company.

His going away is not only a great loss to the hundreds of students attending the Medical College at the moment, but other hundreds who have gone from there, and who knew and loved him will "sigh for the touch of a vanished hand, and the sound of a voice that is stilled."

In the midst of a busy and useful life, before his sun had reached its meridian height, the institution to which he had dedicated all that he had, has been bereft of a high-powered public servant, and his

friends and associates one of the most kindly and gifted men who have chanced to pass this way.

Dr. Bethel was never married, and had neither wife nor child upon whom he might lavish his affections; but he gave it all to the young men and women of the University who came under his personal care and guidance. He has passed beyond their mortal sight, but the example he set and the things he taught will be a living benediction to them and their successors from generation to generation. Therefore, be it

Resolved by the Senate of Texas, That in the death of Doctor Bethel, we feel that Texas has lost a real leader from the ranks of its educational forces; and we bow our heads in sorrow, with his friends everywhere; that a copy of this resolution be printed in the Journal as a tribute to his memory, and a copy of same be mailed by the Secretary of the Senate to the Acting Dean of the Medical Department of the University of Texas, to be read to the students; to each member of Doctor Bethel's family; and that when the Senate adjourns for the day it do so in his honor.

HOLBROOK.

Senator Holbrook asked unanimous consent that the names of all the members of the Senate be added to the resolution.

BECK,	HOPKINS,	REGAN,
BLACKERT.	HORNSBY,	SANDERFORD,
BURNS,	ISELL,	SHIVERS.
COLLIE.	MARTIN,	SMALL,
COTTEN,	MOORE,	STONE,
DAVIS,	NEAL,	SULAK,
DeBERRY,	ONEAL	VAN ZANDT,
DUGGAN,	PACE,	WESTERFELD,
FELLBAUM	POAGE,	WOODRUFF,
HILL,	RAWLINGS	WOODUL, Lt. Gov.
HOLBROOK,	REDDITT,	

Read and unanimously adopted by a rising vote.